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Baylor & Shortridge attorneys at l…

Amos Warner
vs
McGehee & Alden } Verdict for deft
Rule for a new trial

On the following grounds. (To wit)
The Jury found contrary to Law and evidence

S L Perry
plaintiffs atty

Rule discharged

George Thomas
vs
William & James Haggard } Motion for Judgment against the Sheriff of green County for the amount of the Judgment in this suit he having collected & and has failed to pay it over when demanded

Thorp & Jackson
vs
W. Lyon } Rule to have the Sheriff Entered as Special Bail
Rule discharged

C. P. Bacon
vs.
Saml. Alden } In this case the plantiff moved for a Rule to set aside the case on the docket 12th of March 1822
F. Owen Non suit set aside Rule absolute

David McGehee
vs.
Samuel Adam & P. Dearing } In this case the defendants councill moved the Court that executed be stayed thirty days for the purpose of Obtaining a Writ of Error.
H. Shortiage
Attor for def & Rule discharged

Still
vs.
Daniel } In case
The defendant by his attorney files reasons in arrest of Judgement in this Cause
Thos Owen
Attor Deft
Rule discharged

James Pitt
vs
Nich^s. Perkins } Covenant.

The defendant by his Councill obtained leave to except to the Opinion of the Court also a motion was made for a New trial and leave to file reasons for the same, and after the verdict of the Jury also a motion was made to file reasons in arrest of Judgement

C. Perkins
Plff Attorney
Rule discharged

John Tindall
vs.
Jeremiah Pearson } malicious Prosecution

And the said defendant by his Attorney moves the Court to set aside the judgement for want of a plea entered in the Cause for irregularity and also to set aside the writ of inquiry and to be admitted to plead an issuable Plea instanter

13th March 1822

Baylor & Shortridge
Attor. pro Defts

and in the above case the defendant as a further ground for setting a side said Judgment relys on affidavits filed

Baylor & Shortridge
for Deft

~~James Warner~~
vs.
~~Wm McJohn & Sam~~
~~Aldern~~ } ~~Verdict for defendant~~
Rule for a New trial
~~on the following grounds to wit~~

1st The Jury found Contrary to the Law and Evidence

Sion L. Perry
Plantiffs Attor

[illegible]am Hutcheson }
vs }
Benjamin Sale } Rule to set the non-suit
aside on S L Perrys affidavit
Sion L. Perry
Plaintiffs Attorney
Non suit set aside the cause
Reinstated

Stephen Johns }
vs }
Charles Porter } Rule for the defendant to show
cause why the non-suit
in this case should not be set aside
Inge & Barton
Non suit set aside on
payment of cost cause Reinstated

Acker
[illegible] } The defendant asks leave to enter
vs Harris } a rule on the Plaintiff to show cause
why the Judgment should not be arrested
upon the following Grounds to wit:
R Williams
Rule discharged

State }
vs }
Gary Gordon } The defendant by his counsell
enters a rule to show cause
why a new trial should not be granted
& reasons filed &c.
M D Williams attor
Rule made absolute on paying the
Solicitors fee —

Saml. A. [illegible] Huffman }
vs }
Charles McClure } The defendant asks for a
rule for the Plaintiff to show
cause why the Judgment should not be arrested
in this case by Inge & Barton
his attor

Baskins }
vs }
Kirksey & grant } The defendant asks for a
rule for the Plaintiff to show
cause why a new trial
should not granted
Rule discharged Thos I Adams
Dft A

John Prude for the Use of Sampson McCarron vs. William Elliott — Rule upon def[illegible] to show Cause why a new trial should not be granted. Inge & Barton deft. attorneys.

Rule discharg[illegible]

Jared Thompson vs. Isaac Salter — appeal

In the above case motion was made to the court for a reconsideration of the opinion [illegible]

Perkins for Plaintiff

James Lewis vs. Henry T. Anthony — The Plaintiff in this case [illegible] the court for leave to set aside the nonsuit [illegible] in case and to reinstate on the docket

H. Hastings [illegible]

Rule discharged. Attor [illegible]

Cleveland vs. Dyer — Rule upon the defendant to shew cause wherefore a new trial should not be granted in this case. Inge & Barton p. q.

Rule discharg[illegible]

[illegible] McCrary }
Vs }
[illegible] Hocket }

A Rule upon the plaintiff to shew cause why a new trial shall not be granted in this cause

J. Noble Dft. At

on account of excessive Damages and because no trespass was proved by Hocket

J. N. p. A.

~~Rule discharged~~ Judgment & Rule discharged

Circuit Court O. September Term 1822

The State } Indictment
vs } Circuit Court
Thomas Jones } Tuscaloosa County Septr Term 1822

In this case the defendant by his Counsel moves the Court in arrest of Judgment on the ground that the offence alleged in the Indictment is not within the Statute, and he moves for a new trial on the ground that the State was allowed to challenge several ~~Jurors~~ Jurors peremptorily which is not allowed by Law

J. John Taylor defts atty

Thos Jones } Indictment ~~in the circuit court~~ for
ads } Forgery in the Circuit Court of
The State } Tuscaloosa County at Septr Term 1822

The defendant in this case moves in arrest of Judgt on the Ground that the ~~Judgment~~ offence as alleged in the Indictment is not within the Statute and he moves for a new trial on the Ground that Thomas Cunningham was peremptorily challenged by the State which is not allowed by Law

Motion in arrest of Judgt, John Taylor
overruled defts atty

Wimmel

Haggard and William Haggard

Rule to shew cause why a new trial should not be granted.

A H Williams attr pr defts

Zachariah Middleton Administrator &c.

vs.

John Hodge Sheff & his securities

Tuscaloosa September 1822

Mr John Hodge you will please take notice that I will by my attorney move for Judgment against you and your Securities on the second monday of next ~~month~~ Circuit Court for Tuscaloosa County for your failing to pay over a sum of money collected by you as Sheriff of the County aforesaid On an Execution against ~~[illegible]~~ Dudzel Paw and John Potts. In favor of the Estate of Dougald McFail deceased When and where you may ~~think proper~~ & attend if you think proper.

Yours respectfully

Zachariah Middleton
Administrator of D McFail decd

The State

vs

John Read

Counterfeiting &c

The deft by his attorney moved the Court for a Rule to shew cause why the Judgt shall not be arrested Which was granted accordingly

Reasons in arrest of Judgt overruled

Toney et alii

vs

Land et alii

Motion to discharge injunction ~~[illegible]~~ for want of equity in Bill March 13th 1823

Motion absolute

Lewis Morgan } In Equity
vs
David Scott & } ~~Rule to dissolve~~
John Click } motion to dissolve the injunction
on the Bill and answer
T. Owen
Sol for Scott

L. Morgan et alii } Motion to dissolve injunc-
vs } tion Collier & Olwin March
A W Gordon et alii 17th 1823

Christopher Vanner
1 vs }
James Cain

2

Smaley Griffin
3 vs }
James Cain

George Morgan
4 vs }
Elias Davis

5 George Morgan
vs }
Elias Davis

R L Crawford
6 vs
James Cain

7
V McDavenport
8 vs
Grant S Davis

9 Samuel Brandon for the use of Vincent
Elias Davis

James Snead
vs
Grant & Davis

Wm. O'Hearn
vs
Grant & Davis

S. Adams
vs
Grant & Davis

C. Perkins
vs
Pledger & Remmen

Saltonstalls & Stearns
vs
A & C Farish — rejected

W. Bacon
vs
C. Farish — rejected

Charles Peavy
vs
C. S. Farish — Rejected

C. Vannm
vs
Grant & Davis

Smith & ols
vs
Farish — Rejected

Luther Morgan Compt } In Equity
vs
David et al }

Motion to perpetuate
the injunction in this case, because the
Equity of the Bill is admitted by the Demurrer
Spring Term 1823 ~ Barton & Perry Solrs

Quin Morton } Rule to set aside the nonsuit
vs } in this cause
Zeptha V Sebells } Non pross to be set aside
On payment of cost

March Term 1826

James Sneed
vs
Solomon Whaley
Motion in arrest of Judgement for the following reasons towit

Court

~~Brown for Hudson & Tyger~~
~~vs~~
~~Hudson and Tyger~~

~~Motion to reinstate the said cause on the docket~~ — bi

Admr. James Watkins decd
vs
George Stuart
Motion for an order to sell real Estate levied upon for want of property to satisfy an Execution issued by a Justice of the Peace

Order granted
Same
vs
Same
Same Motion

Order granted

March Term 1824 Rules & Motions [redacted]

Solomon Rodes vs Patrick Scott — Motion for a new Trial and the following grounds (to wit.)

the Court Excluded Testimony that ought to have been Received
× on the Ground of a Witness being interested and giving Testimony on the Trial
on the ground that the action ought to have been founded on [redacted] award Between the Part[redacted] the [redacted]ed on Friday the fifth day of th[redacted]

Geo L Perry
for plf in want
Rule Discharged

Young & Shaw vs Saml Boggs & Norwood — Injunction — Motion to dissolve the injunction in this Case
H. W. Collier
6th March 1824. atty Pro Defts

Joshua Holbert vs Saml Taylor — Motion for New Trial on this ground
× A deposition containing material evidence for the Defendant being in Court which the Clerk informed Defts Council was not ...
Adams for defts.
Rule Discharged

+ Admr of J Watkins & Ex Exor vs George Reed — Motion to sell Real estate for want of Personal property Sean from Justice Court order granted. Ellis

Same vs Same Same ... order

+ Nash adm vs William Y Glover — Motion for a rule on Plaintiffs to give security for costs of Suit — they being non-residents

+ William Hutcheson vs Joseph Nobles representatives — In Chancery — Motion to amend the Plaintiffs bill

[illegible] Martin
ads
Moses Kelley

Motion for New Trial on these grounds —

1 Surprise on the trial by the introduction of Evidence by Plf which could have been rebutted & falsified if its introduction had been suspected —

2. .. Material testimony discovered before the trial but too late to be available —

3 Material testimony lost by the unavoidable failure in executing certain Commissions for taking the same

4 The Deft being precluded from having his case continued from his having made a general instead of a special affidavit for that purpose which was occasioned by his informing his Council that the case had not before been continued by him on affidavit which fact he did not nor does recollect —

Barton [illegible]
Deft Atty

The State
vs
Michail Blacker

Motion for a New Trial on the ground the Jury found contrary to evidence

2nd The finding of the Jury is defective as they made two findings and assessed two distinct fines on the same indictment and trial

[illegible] L Perry
Defendants attorney

Rule Discharged

Rhodes } Thursday 11th March 1824
vs } Motion in arrest of Judgment
Snead }

and the said defendant James Snead comes and moves this Court to arrest the Judgment entered up against him in favour of the said Rhodes for the following reasons to wit

1 Because it appears by an inspection of the record that the said judgment thus entered up was founded upon an appeal taken from a judgment rendered by a certain Isaac Patrick, who was at that time chief Justice of the county court of Tuscaloosa in pursuance of a warrant or summons which was issued by a certain William Pierce who was at that time a justice of the county court at the instance of the Plaintiff Rhodes against the defendant Snead Whereas by the Constitution of the State of Alabama and the Laws thereof, the debt evidenced for which the said summons or warrant issued could could only have been issued by a justice of the Peace of the said county or the chief justice of the county court and when the same had issued was only cognizable before either the one or the other of them.

2 Because if the said William Pierce as a justice of the county Court of Tuscaloosa had a legal right to issue the said summons or warrant he should have made the same returnable before him self and not before himself or some other justice of the Peace

4 because some certain place within the particular beat or bounds of the captains Company in the county aforesaid ought to have been expressed in the warrant and at which the summons or warrant should have been made returnable

5 Because as the said warrant or summons was not issued by the said Isaac Patrick under his hand and seal and made returnable before him at a certain time and place therein to be mention

Turn over

that he hade no right by the laws of the state of alabama to take cognizance of the same and to enter up a judgment in favour of the said Rhodes vs the said Snead, and Lastly for the other errors apparent upon the face of the record

Hume R Field
Atty for Jas Snead

Judgement ~~affirmed~~

John S Young
vs
Otis Dyer

And the said complainant by his attorney moves the Court to reinstate the suit of said Young against Dyer because he has a sufficient cause of action and the suit was dismissed at the instance of the adverse council in the absence of his counsel. Bowman & [illegible]

Lewin & Weizer
vs
Asa Smith

+ Rule to set aside Judg[illegible] default ~~taken~~ in the absence of Deft counsel ~~[illegible]~~ Defence. Ellis Deft att

Rule Discharged

The State
vs
Adam McClair

+ Motion to open the Judg[illegible] court & set aside the forfeiture as per affidavit

Dixon L Perry
Defendants attorney

Judgement set aside on the payment

The State
vs
William B Bullitt

+ Motion to set aside the Judgment and to be discharged from the forfeiture as per affidavit

Judgement set aside

Dixon L Perry
for Defendant

Bird for the use of Williams
vs
Wm. McGehee

+ The defendant enters a rule to shew cause why the plea should not be amended and an additional plea filed —
T. Owen
defts atto

16th March 1824 Rule made absolute

Thursday 17th March 1824 C. Parker Sheriff.
This day a motion was made, to the court to [illegible] in [illegible] against Charles Lewis & Charles Lewis for obstructing the road leading from [illegible] town towards Blackburnside by running a fence across the same Continued under advisement.

Thursday 17 March 1824

Brown &
vs
Hardin & Dugter

+ The plaintiff by his attorney comes in and moves the Court to reinstate the said suit upon the docket because he says from a reference to the pleadings had in the case heretofore that he ought not to have been non-prossd =
Rule discharged

A: Erwin & sons
vs
Samuel Thompson } Two cases
In these two cases the defendant enters a rule on the plaintiffs

× to shew cause if any they have why the judgments rendered in these cases should not be opened & set aside on the affidavit of the defendant deposing that he never executed the notes in these cases and that the sd. deft. never authorised any one to do so for him

and that the said deft never received any good or valuable consideration for said notes, and for other good reasons contained in said affidavit of said defendant.

Baylor & Shortridge

The Judgment by default to be opened on the Defendant agreeing not to plead the Statute of Limitations as to

Crozier McGlaughlin & Co } Motion for
vs } New Trial
Harden Perkins }

1. Because the Jury mistook the evidence & found contrary to what was proved

1. Found any of Jury contrary to Law & Evidence

Barton & Perkins

Peter Saunders } Pls [illegible]
vs } Motion for a
Purvis Administrator } new trial

1st. Because the Jury were mistaken in the evidence in making up their verdict

2nd. Because the Jury found contrary to law and evidence

Baylor & Shortridge

Caldwell & Johnson
vs
Barringer & Allison } In Debt

The plaintiffs in this case move the court to set aside the non suit against said plaintiffs on the ground of surprise and because it has been the practice of the courts in this country or at least some of the Judges to regard the instrument of writing declared on as a writing obligatory or speciality and on affidavits

Motion overruled
Baylor p q

Morris Kirby
vs
Jeffers & Martin } Former Trial

The Plaintiff in this cause moves the court for a new trial and assigns the following reasons viz. That one Hancworth who was sworn as a witness for the defendant on the trial at the present Term of this Court swore materially different from what he did on the previous trial

2nd Surprise in the testimony given by Hancworth

3rd The verdict against law and evidence

4th Improper Conduct in the Jury in making up their verdict

C. . 11. & Perry Pro Deft

State
vs
D. E. Sexton

Motion for a New trial on the grounds that the Virdict of the Jury was excessive & not warranted by the testimony

McBaylor & [illegible]
attorneys for Deft

Brandon's adm'r
ads
John Spencer &
S. Marshall & Starr

Motion for a new trial on the following reasons 1st That the Judge [illegible] directed the Jury 2nd the verdict of the Jury was contrary to the evidence & the Law

W. L. Adams attorney for [illegible]

[illegible] discharged

Webster & Smith
vs
Wegan, Colgin & McFehee

A motion for a new trial in this case on these grounds 1st because the verdict is contrary to evidence 2nd because contrary to Law 3rd because contrary to the charge of the Court 4th because the verdict is contrary to & inconsistent with the [illegible] 5th because the Defendants were taken by surprise in the introduction of an instrument plead by them in bar to the action and which was in the possession of the plaintiff untill after the case was put to the Jury 6th Because the Jury calculated interest on the amount allowed after they came into court 7th because the Defendants ought to have been permitted to amend their plea which the court refused. 8 because the verdict is contrary to the Justice of the [illegible]

Owen, Barton & [illegible]
Deft attorneys

Motion granted

New trial granted

Conrad Wain er } Trial of right Property
vs. } Motion to set aside
~~Owen Fairley~~ } Judgment of Non-suit
R. Finley

On the grounds that the case came into court without the knowledge or consent of the Pltff.

P. L. McCrary [illegible]

James Morrison
John W. Chester & Matthew D. Hanson } Motion for a new trial on the following grounds and for the following reasons, to wit: that the verdict of the jury was [illegible] and not warranted by the testimony 2 that the [illegible] of the court was [illegible] to the jury [illegible] the verdict was [illegible] affidavit from the [illegible] by [illegible] the absent defendant will be prejudiced 3 that there were different and contradictory verdicts returned by the jury, which [illegible] the defendants 4th that testimony offered by the defendants was rejected by the court which ought to have been received — 5th that the Plaintiff did not prove the trespass to have been committed in the county of Tuskaloosa in which the venue was laid.

[illegible] also that the [illegible] offered in evidence

Crary & Hutchings
defendants attorneys

[illegible] Berry

\+ Williams } Motion for a new trial
Camp } for the reasons in the affidavits filed

New trial by paying costs

Geo. L. Perry
defendant's attorney

Ray for the use of Armstrong }
vs }
× John Owen }

Rule for a new trial. 1st because the verdict is contrary to evidence and the justice of the case. 2d because contrary to law.

J. Owen deft [illegible]

New trial granted

William Bounds } A motion will be made in this Case that the Plaintiff
vs } shew Cause if any he hath
Jordan & Stewart } why the verdict in this Case should not be set aside
& a Nonsuit entered —

Same } A Motion for a New Trial in
vs } this Case — 1st Because improper evidence was admitted to go
Same } before the Jury — 2nd Because the verdict was Contrary to Evidence 3rd
because the verdict was Contrary to Law — 4th Because there was no notice to the Defendant to quit or deliver up the premises — 5th Because there was no proof or admission of Lease, Entry or Ouster — 6th Because there was no proof of the Defendants being served with a declaration in Ejectment — 7th Because the Court ought to have instructed the Jury that if they believed there was any Estate whatever in the Defendants & derived from the Lessor of the Plaintiff at the time of Action brought that they should find for the Defendants — 8th That it was not proved that land claimed was within the limits of the Metalorain District — Taylor, Barton & Pickens attys.

New Trial Granted —

Wm. Hogg }
vs } A Rule is entered in this case on
Jno. Stile } the defendant Stile to shew cause if any he have why he should not pay over to the said Hogg $500 which he owes to him for money paid as the security of the said Stile in the case of John Daniel vs said Stile and Hogg — and it is ordered by the court that this motion stand continued from day to day untill tried.

Boyle for Hogg —

Continued

Stephen Johns } motion for a new
vs } trial and set aside
Dilany and Farley } the Judgement of the Court
} Tuesday 21 1824

1. that the parties were taken by surprise
2 that the defendants do not owe the debt for reasons stated in the affidavit filed —
3 that price of the articles charged are extravagant and more than they are worth, which was allowed by the Court —

McWilliams atto pro defd —

Rule discharged

Archibald F. McDaniel } motion to set
vs } aside the verdict
[illegible] McMath et al } on the affidavit
new trial granted } of H. I. Anthony
J. L. Perry

Kenneth Kindley } Motion for a new
vs } trial — 1st because the
Charles Cloy in } Court misdirected the
} jury — 2nd Because the verdict was contrary to
Law — 3rd to Evidence —
New Trial granted Parton & Pickens
atto for Deft

Wm. G. Glover } Motion for a New Trial
for use of Bullock } 1st Because the Court
vs } misdirected the jury — 2d
John L. Randall } Because the Verdict was contrary to Evidence
} & Law — 3rd because the
jury mistook the testimony —
New Trial granted Parton & Pickens
atto for Deft

Israel Pickens Gov &c
vs
Marr & Ellyson

Israel Pickens Gov &c
vs
Marr & McClure

In these two cases the defendants move the court to set aside the judgements final, because they have been taken by mistake, and

at an earlier day of the court than
for which the cases were set for
trial, and because the defendants
have a good and sufficient defence
to make to the cases

Baylor P. D.

March Term 1825

Jas. H. Fears
vs
George Ingle

Motion against Ingle by
Fears for Judgment for
this, that Plaintiff in motion
has paid a large
sum of money as defts.
security as will appear
in the Notice served
on Deft for this purpose

March 15th
1825

Robt. McCalpin
Atty for Pltff in motion

March Term 1825

1 The State
vs
Gardner Mitchell

Motion for Judgment against the Defendant as Overseer of the Poor failing to notify the Clerk of the Tuskaloosa County Court of his acceptance or refusal to act as such within the time prescribed by law

2 Same
vs
Christopher Conner
} Same

3 Same
vs
William Caldwell
} Same

4 Same
vs
William Hutcherson
} Same

5 Same
vs
Philip Williams
} Same

6 Same
vs
James Hogan
} Same

7 Same
vs
Edward Davis
} Same

8 Same
vs
John W. Norwood
} Same

Same
9 vs William Jamerson } Same

Same
10 vs Ezzy Cobb } Same

Same
11 vs Richard Jones } Same

Same
12 vs Richard Inge } Same

Same
13 vs James Hudson } Same

Same
14 vs Humphrey Chappell } Same

Same
15 vs John Hudson } Same

Same
16 vs Daniel Pergen } Same

Same
17 vs Richard Murphey } Same

Same
18 vs William Hinton } Same

19 Same vs William Duncan } Same

20 Same vs William Cole } Same

21. Same vs John Snider } Same

22 Same vs. William Brown } Same

23 Same vs Michael Collins } Same

24. Same vs Isham Dansby } Same

25 Same vs William McGuire } Same

26 Same vs Elijah South } Same

27 Same vs Henry Fox } Same

28 Same vs Zachariah Mangum } Same

Same
29 vs
William Camp } Same

Same
30 vs
James Hendrick } Same

Same
31 vs
Nathan Hemphill } Same

Same
32 vs
Hiram P. Caradine } Same

Same
33 vs
Castleton Lyon } Same

Same
34 vs
34 Jorden Maberry } Same

Same
35 vs
Morgan Buck } Same

Same
36 vs
John W. Prewet } Same

Same
37 vs
Thomas B. Tyner } Same

Same
38 vs
George Baker } Same

Saml
9 vs } same
William Appling

Saml
10 vs } Saml
Jacob Clements

Saml
1 vs } Saml
Thomas Ward

~~Chas~~ P. Hagn
vs
~~Leviniah~~ Cox } And now at this Term comes the defendant by his attorney and moves the Court here to set aside the Judgment heretofore entered in this cause Because the Judgment was rendered after the ~~death~~ of said Plaintiff which is irregular without first suggesting the death of the Plaintiff and making his Representatives Parties to the Suite affidavits to support the facts are filed this 21st March 1825.

Simon E Pivy
for defendant

Motion to dissolve the injunction in the case of Wm M Mears and Peter A Renken against John S Tindall administrator of Sinwell Johnston ~~Sullen~~

~~A G Mc Dowall } The defendants in this case move~~
~~Thomas & Williams } for a new trial on the grounds~~
~~That the verdict of the Jury is Contrary~~
~~the Law and the evidence 2 That the Judge misdirected~~
~~the Jury as to the law~~ [illegible]

Jas. H. Dewing & Co } Motion to dissolve the Injunction in the case.
vs } Barton & Dickens
Edward Smith } Sol. for Deft.

Obadiah Hooper } Motion to dissolve the Injunction
vs } Barton & Dickens
Pair } Attys for Defend.

Stephen Mays } The Defendant in this case on
assignee &c } the grounds that the verdict was
vs } opposed to the law and the evidence
Charles Summ } in the case & that new and material testimony was been discovered since the trial which the Defendant with due diligence which he has been unable to use could not previously discover And also that illegal testimony was admitted to go to the Jury.
Callier Ectto

In the case of A. G. McDowall against Thomas Williams & others the defendants supported the motion for a new trial which has been entered be accessible move in arrest of judgment on the grounds that the writing, the body part of the Deed was not the requisites necessary to a corporate act and deed in writing 2nd That the Law authorising the agents of Sixteenth Section to dispose of the land contained in the same by lease or otherwise and to receive the funds therefrom arising to employ a teacher for the instruction and education of Children in the same residing was repealed previous to the execution of the writing on which the action is founded 3rd That the court erred in suffering the note to go to the Jury it not being sufficiently described in the declaration as from the record it will appear — 4th That the defendants are not sued as a corporation ~~and therefore~~ any judgment which might be rendered against defendants must be satisfied out of their individual

property of 5th 7th after the Defendants even should it be thought they are sued as commissioners of a sixteenth section yet they are not liable to the benefit of the Plaintiff

Collier atto for Deft

Charles Servin ads Stephen Mays } Should the Court overrule the motion made in this case for a new trial which is not anticipated The Defendant then moves in arrest of Judgment for the following reasons 1st That the verdict of the Jury is ~~uncertain~~ inconclusive and such ~~that~~ on which no judgment can be rendered 2nd That it is not alleged in the declaration that the amount claimed by Plaintiff was not paid to John [illegible] the payee in the note previous to notice of the assignment of sd note on which this action is brought, to Defendant

Collier atto for Deft

J. Britton vs Joseph Acker }

Rule to show cause why judgment should not be set aside and a new trial granted 1 on the ground of surprise 2 the discovery of new evidence 3 that verdict was contrary to law and evidence

T. Owen atto for plaintiff

Anderson & als vs Longmire } Rule for security for costs

Owen & Ellis Defts attos

Dixon & Wife and others }
vs } In equity
J.R. Drish & Wife & Others }

Rule to show cause why suit shall not stand be dismissed unless the Complainants give security for costs according to law

Owen & Ellis
Defts attys

John McKinney }
vs } Divorce
Sarah McKinney }

Rule to show cause why suit be not dismissed in pursuance of an order of the last term of this Court requiring security for costs to be given on or before the present term of this Court which security has not been given as required

[illegible] & Baylor
Attorneys for Deft

Pitcher Wyzer & Co }
ads }
Sheffield & Leavens }
Same }
ads }
Same }
Same }
ads }
Same }

Motion to set aside award for reasons which have been furnished by Defts counsel (supported by affidavits) to Plaintiffs counsel — Baylor & Collier attys for Wyzer [illegible] Defts

The State of Alabama vs Negroe Slave Phil } Charge of an attempt to Commit a rape

Rule to Show cause why the Judgment in the above case Should not be arested first, because it is not charged in the indictment that the person on whom the attempt to commit a rape was made, was or is a free white woman, which by the Statute constituting the offence is necessary

Secondly. Because it is not charged in the bill of indictment that any attempt to commit a rape was made whereas by the Statute the word Rape is essentially necessary

Thirdly that the verdict was contrary to law and the evidence

Fourthly that the indictment is in other respects informal and insufficient

Ormond Ellis
Defendants Attornies

Thos Lane vs J. V. Isbell } Motion by William G. Glover Sheriff & John M. Jenkins Clerk of the Circuit Court of Tuskaloosa County to retain in their hands money sufficient to pay them the costs to which they are entitled to from said Lane for the costs in the above cause determined in this court in favour of the Defdt which costs amount to fifteen dollars & twenty five cents which they have in hand

R. F. McElvin
for Pltffs in Motion

October Term 1825

Christopher Vanmer } Motion to file papers in the
John D Rinehardy } Cause as a substitute for those
which heretofore were filed [illegible] are lost
or not to be found in the office of the Clerk
of the Court — Collier Plffs. atto —

John C Lindell } Motion for new trial by the
vs } Defendant for the following reasons
Joseph Bullock } 1st That the verdict of Jury was
against Law & evidence — 2nd The Court misdirected
the Jury upon a point of Law — 3rd That other evi-
dence which was offered by defendant on trial
Can be produced and the non-production satisfac-
torily accounted for — to prove which last cause
affidavits are filed in the papers of said
Cause — New trial granted — Collier & Barton Defts. atto

Silenus O Sadler } Motion for new trial on
vs } the ground that the ver-
Abiahaga Woody } dict of Jury was against
Law & evidence — Collier Plffs. atto —
Motion discharged

Edward Herndon } qui tam action —
} Motion to discharge the Bail
vs } because bail required contrary to
Newell, Baldwin et al } Law — bail discharged

Chester [illegible] } Motion for a new trial - 1st Because
vs } the Court permitted the party Plaintiff to
Davis } amend after the case was submitted
to the Jury — 2nd

James Neal } Tresp
John D. Hunter } Motion for new trial on the ground
that the Jury found a verdict against Law
and evidence — [illegible] & Ells, Deffs. atty

Rule discharged

Robt. M. McLaughlin }
vs } Motion by plaintiff for a new trial on
William McGehee } the ground, that the Jury did not find as much for the plaintiff as the evidence would have authorized. October 20th 1825.

R. C. McAlpin &
S. L. C. Perry Attys
for Pltff

Motion discharged

Anderson & others }
vs }
Longmire }

motion by the defendant to dismiss this suit for want of security for costs.

Owen & Ellis defts attys.

Dixon and wife and others }
vs } In Equity
Drisk & Wife and others }

motion to dismiss the suit for want of security for costs

continued till next term

Owen & Ellis Sol.s for Defendants

William Waters for the use of Philip Seelach
vs
Washington Brown } Reasons in arrest of Judgment - that the Plaintiff Waters died before the Judgment was taken - and it does not appear that any person has made himself a party to the suit as Executor or administrator for the plaintiff L.

M. D. Williams atty
pro deft.

March Term 1826

State
vs
~~Wm.~~ E. Robertson } Motion for a new trial because the Jury found contrary to the law & evidence
+
2d because the fine was excessive & unreasonable let Defts have a new trial

R. C. McAlpin
~~Defts atty~~

H. W. Ellis
vs
A. Nash & Glow.t } Motion to set aside the non suit ordered in this cause Because the plaintiff has a good cause of action against the Defts —

R. C. McAlpin
~~Pltffs atty~~ —

motion granted

Webster & Smith
vs
Mann & Perkins } motion for the court to reconsider the judgment expressed on demurrer, and to overrule the same

~~H. W.~~ Collins Pltffs atto—

Kosciusko Koontz
vs
Aquila Churchwell } motion to Court to set aside the verdict rendered in this case

H. W. Collins Pltffs atto—

John Cusky
vs
William P Brown — The defendant, in this case
+ that some of the jurors are dissatisfied with the verdict — owing to a resolution of the [illegible] upon a mistake in the evidence

Lin L Perry
defts atty —

Motion discharged.

John L Purdy
vs
Blackburne & Harris }

The deft, moves for a new trial on the following grounds — 1 that he believing he [illegible] knew the character of the pltff to be worthless — and that until the trial he [illegible] not know the materiality of the proof of this fact — 2 That the damages are excessive —

Lin, L Perry

Oct Term 1826

Barringer
ads
Findley

A motion will be made on the sixth day of this term or some day thereafter to quash an exon. Retd to the present Term of this court for objections apparent on the face of said Exon. 18th day of October Ten 1824

Shortridge & Ellis
Findley's Atto

Motion overruled

Kenneth Findley
vs } In Appt.
Matthews

We except against the bail put in in this cause.

Owen & Ellis P. q.

[illegible] Davis
v.
Kenneth Findley

Motion for new trial

1st The court erred in the instruction given to the jury — 2nd the jury found contrary to Law — 3 contrary to evidence

Ellis Defts Atty

Motion overruled.

C & A. Batre'
vs.
Jas. Childress.

Motion for a new trial.

The plaintiffs move for a new trial on the following grounds. Viz.

1st because the jury found contrary to the evidence.

2d because the plaintiffs were surprised by a witness of defendant testifying differently from his evidence given at the former trial of this cause

3d. because new and very material evidence has been discovered by the counsel of the plaintiff which

was unknown to them at the time of the trial, the effect of which is to prove pltffs demand, and also to disprove a fact as testified by the a witness of deft.

Which Motion will be supported by affidavits.

T. N. Stewart &

Octob 11. 1826.

H. Minor. Pffs attos

Notice in writing & copy of reasons given to Pltffs counsel this 11. octob 1826.

G. N. S

Peter Donaldson
vs
Daniel Dougherty

In this cause the Defendant moves to set aside the judgement, because the Plaintiff has refused to allow certain set off, in pursuance to agreement, as will more fully appear by the affidavit of the Defendant

Wm H Smith
Atty for Deft,

Hardin Perkins
vs
Goodman & Griffin

In Trespass
The plaintiff in this cause moves to set aside the order of Non suit entered herein & have his his cause reinstated upon the Dockett, because that when he caused the Sheriff to call his witnesses Richard Brown was called among the number & it was said he answered - but upon trial he did not appear, whereupon because of his materiality the non suit had to be suffered - all which will more fully appear by affidavit

Shortridge & Ellis -
for

The non suit set aside Perkins paying the cost of his own witness at this Term -

Edmond Gilevas } Motion to set aside
vs } judgment by default
John Hudson } in this Case on affidavit of
of A Walker & S L Perry 14 Octo 1826
Motion granted on payment } Collier Perry attos
of the cost of the term } for Pltff

Same } Motion to set aside judgment
vs } by default in this Case on
Same } affidavit of H W Collier & S L Perry 14
14th Octo. 1826

Motion granted on payment } Collier & Perry attos
of cost } for Pltff

Brown } Motion to dissolve the injunc-
vs } In Chancery -tion in this Case, on answer
Hedges } 14th Octo. 1826 H. W. Collier ~~Perry~~
attos for Pltff

Green Parkins & Moor } Motion to dissolve
vs In Chancery } the injunction in this
Ezra Patch } Case ~~in~~ on answer
Collier atto for Pltff

Wm McGehee } Motion to dissolve the
vs } Injunction in this Case
Talbot Jones & Co } on answer - 14th Octo.
1826
Collier atto for Pltff

Benj. Russel } Motion for new Trial
D. B. Wright } 1st. The Jury found contrary to the
Instructions of the court, 2nd contrary to Law
3rd Contrary to Evidence
Ellis } Deft Attos
Shortridge }
11th Oct. 1826
Motion granted

W H Bliss }
vs }
A. J. Matthews } The Defendant in this Cause
moves that the verdict be set aside & a new
trial awarded because - the verdict was contrary
to the Law & the evidence & the Damages were
excessive
Burton for Deft
Octr 16-1826 - Received due notice of the above motion
& waive thereof
H. W. Collier atto
for Pltff
Motion overruled

The State
vs
Clabourn Harris } The defendant in this cause moves for a new Trial Because the fine imposed by the Jury are excessive
Motion overruled } Sion L Perry for Deft

Clabourn Harris
vs
John M Campbell } Motion to sell real estate levied on by an execution issued by a Justice of the Peace

Sion L Perry

Russell
Wright } Case. In this cause the deft by his counsel moves to arrest the Judgt rendered in the cause on the ground that the pltffs have laid no legal cause of Action in their Decl. 15th Oct 1821.

Ellis
Charlton } [illegible]

Perkins
Lancaster } Supersedeas
Motion to dismiss the supersedeas in this cause upon the matter of the petition

Owen & Ellis
attys for Lancaster

[illegible]
vs Fi fa
Charles Lemen } The said Charles Lemen moves the Court to quash the said Writs of Fieri facias in these Cases

Same
vs Fi fa
Same

Cases — Collins for Lemen

Abraham Hart
vs Fi fa
Charles Lemen Df } The said Charles Lemen moves the Court to quash the fieri facias in this Case — Collins for Lemen

Wm Crawford
vs
Charles Lemen } The said Charles Lemen moves the Court to quash the writ of fieri facias in this Case — Collins for Lemen

I D Harrison vs Daniel Boon } the said I D Harrison moves the Court for an order to sell real estate, viz, the West ½ of the N W ¼ of Sec 10 Towns 18. & Range 10 West, which an execution from a justice of the peace of Tuscaloosa County has been levied on the property of said Daniel Boon at the suit of said I D Harrison – 18th October 1826

H. W. Collier atto for Harrison

Continued untill next term

John S Tindall vs Daniel Boon } the said John S Tindall moves the Court for an order to sell real estate viz the West ½ of the N W ¼ of Sec 10. Towns 18 & Range 10 west which an execution from a justice of the peace of Tuskaloosa County has been levied on as the property of said Daniel Boon at the suit of said John S Tindall 18th October 1826

Continued untill next term

H. W. Collier atto for Harrison

~~The State~~ vs James M. Moore } The said defendant moves the Court to grant unto him a ~~new trial~~ because the verdict is contrary to law and evidence [illegible] motion he also moves the Court to arrest the judgment for these reasons – [illegible] the malice charged in the indictment to have been entertained by said defendant against William [illegible] the prosecutor [illegible] [illegible]

Collier & Jones Counsel

Pitcher & Gerrish vs [illegible] Squire Boon } the plaintiffs move the Court for an order to sell real estate viz the West half quarter of section 10 Township 18 and Range 10 west levied on as the property of Daniel Boon one of the defendants, by a constable in obedience to an execution issued by a justice of the peace at the suit of the plaintiffs

J. H. [illegible]

Motion ~~granted~~ ~~[illegible]~~ Continued

State }
vs } In this case the deft. moves the court
James Potts } for a new trial on the ground of excessive damages, surprise, and a want of testimony on the trial which had been postponed.

Motion overruled. } Baylor & Atkins
P.Q.

Wm McGehee
vs
Edmund P Bacon } The said [illegible]
[illegible] 480 [illegible]
[illegible]

Order of sale
Made }

Elias L. Payne
vs
Brooks & Anthony } motion to set aside the judgment in this case.

On the ground that the judgment being on a [illegible] ought not to have been taken because no execution has been issued against the principals and not returned.

Thos. H. Jack

John L Purdy } Motion to set aside
vs
Claiborn Harris } the nonsuit as on
the affadavit of the Plaintiff it
will appear that he was surprized,
and being deprived of the benefit
of Faulkner's testimony, could not
go to trial. Baylor

Claiborn Harris } Motion for a
vs
John L Purdy } new trial on
the grounds as set forth in
the above mention — Baylor

Barker } Motion for new trial the Jury
vs
Potts } found a verdict contrary to the
evidence adduced — O. H. Ellis Deffs atto.

State
vs
James H. Coburn

A motion will be made to the court to direct that the clerk be directed to apply money now in his hands to the payment of the fine and costs [illegible] [illegible] said Coburn.

March Term 1827

N. H. Bolles use of Higgin Whitmore &c
vs
Harden Perkins
Thomas Cummings
Benj: C Nuttman

Motion for a judgment the said Perkins, Cummings & Nuttman on their bond of which motion notice has been duly given — Motion granted

Collier for Bolles use &c

Benjamin Williams guardian &c
vs
Robert E Baylor & Matilda Patrick

The Plaintiff by his attorney moves the Court for a new trial, 1st on the ground that the verdict of the jury is contrary to the Law and the evidence 2nd the discovery of new material evidence since trial of which an affidavit will be offered —

Collier & Perry attos for Pltff — Motion overruled

~~P A Faber vs Josephus Whitlock — In Chancery — motion to dissolve the injunction on the answer of the~~

J Whitlock vs P A Faber — in Chancery — Motion to dissolve the injunction on the answer of the Defts as filed with the papers in said cause. — Jack

Duff
vs
Loy } Motion to set aside the award returned by the Arbitrators for reasons n[...] to Plffs Counsel

S H Ellis
P Dep[...]

Motion granted

Pilcher & Garner
vs
Daniel Boon &
Squire Boon } Motion for an order to sell the [...] pt of S W 1/4 of S[...] 10 Township 18 R 1[...] found on by the Co[...] liable for want of othe[...] property

17 March ordered to be sold

Pack[...]

motion granted

John R Brish
ads.
Thomas M Davenport } Motion for a new trial in cause for seduci[...] Davenport his daug[...]

Brish moves for a new trial in this ca[...] upon the following grounds

First. the finding of the Jury is cont[...] to Evidence

Secondly against the Law.

Thirdly — the court rejected evidence offered by Deft upon the m[...] al point as the bad character [...] pltfs daughter

Fourthly: the damages found by [...] Jury are enormous & excessive

Fifthly — the Deft was surprised [...] the trial, from the absence of [...] Griffin & others who had been [...] pensed & thought to be in attenda[...]

— & affidavits or one at least [...] be submitted on this ground

Shortridge & Ellis fo[...]

Also on the ground of surprise genera[...]

S & Ell[...]

Samuel Thompson } Debt in two cases
ads } The Defendant
Erwin and Sons }

Samuel Thompson moves for a new trial in this cause on the following grounds

First. The Jury have found against Evidence

Secondly against Law

Thirdly - The Judge misdirected the Jury upon several points of Law but more particularly, where they were charged by him, that if a mistake as to the date of the note existed it could not be taken advantage of by Defendant under the plea of non est factum

Shortridge & Ellis for Thompson

Motion discharged

I D Harrison
vs
Daniel Boon } The said I D Harrison moves the court for an order to sell real estate viz the West ½ of the N.W. ¼ of Sec. 10 Towns. 18 - & range 10 West which an execution from a Justice of the Peace of Tuskaloosa county has been levied on as the property of said Daniel Boon at the suit of said I D Harrison 18th October 1826.

H W Collier atto for Harrison -

Contd from October term 1826

Sale to be made

John L Tindall vs Daniel Boon } The said John L Tindall moves the court for an ord[er] to sell real estate viz. the West ½ of the N. W ¼ of section 10 Town[ship] 18 & range 10 West which an execution from a Justice of the Peace of Tuskaloosa County has been levied on as the property of said Daniel Boon at the suit of said John L Tindall 18th October 1826.

motion granted. H W Collier atto for

Cont.d from October term 1826 Harrison —

The State vs Jeremiah Murphy } Motion to arrest the judgement 1st Because it does not appear that the witnesses [struck] were sent before the grand jury or that they were sworn in open Court —

2nd The Prosecutor's name was not endorsed on the indictment —

3rd The indictment is for an offence not made such by Statute & it purports to be "against the form of the Statute —

4th The defendant is not liable under the indictment

5th The motion to quash ought to have been sustained

motion discharged. Wm Barton Defts. atty.

Patrick Scott vs Jol: Rhodes } Motion to dissolve the injunction for want of Equity in the Bill — & also on account of defendants answer. —

Wm Barton Defts: atty.

Motion Over ruled

Joshua B Leavens vs Joseph Bullock } The defendant in this Cause moves for a new trial on three grounds 1st The verdict of the jury is contrary to Law & Evidence 2nd The Court misdirected the jury upon a material points of law 3rd The Court received evidence offered by said plaintiff which was not admissible and which was calculated ~~the~~ influence the jury in their verdict agt said Defendant

Rule discharged Barton & Collier for Deft —

Saml Hodge } The Plaintiff moves
vs } for a new trial on
E Murdock } the following grounds

1st That the Court misdirected the jury on a material point of law – 2nd The verdict of the jury contrary to law and evidence 3rd The ~~Plaintiff~~ was surprised by proof as to the introduction date of the bond declared on

Collier for Pltff

Rule discharged

Robinson & Davenport vs Stow Elliot &c
appearance Docket No. 27 –
Motion to quash the attachment
N Minor atty for
President Bank
State of Alabama } – Octr 7th 1827 –
Tuskaloosa county } circuit court
October term 1827
The Attorney General for the State of Alabama who is the attorney for the President & Directors of the Bank of the State of Alabama

Will move the court now in session, on the third day of the term, for Judgments in favour of the President & Directors of the Bank of the State of Alabama against the following persons who have been notified thirty days at least before the commencement of the present term that motions would be made for judgments against them in favour of said Bank to wit,

The President & Directors of the Bank of the State of Alabama
vs &c
Richard Clark &
Matt Gayle
Same
vs &c
Davenport Graves
Henry Avery
Isaac McElroy
Same
vs &c
Davenport Graves
Henry Avery
Isaac McElroy

Same
vs }
John Carson
John Bolton
Abner Franklin &
Page R. Windham

Same
vs }
Willoughby Barton – Diego McBoy – Saml. H. Garrow
Same
vs }
~~H. P. Bonham~~
X Diego McBoy & Samuel J. Scott ~~trading under the firm of Doctson & Scott~~

Same
vs. }
Samuel H. Garrow – Diego McBoy & William B. Stone
Same
vs }
Littlebury W. Mason, Wm J. McNeall and William Mason

Same
vs }
Joseph Sawyer, Ephraim Peaz, Wm J. McNeall
Same
vs }
John W. Wilson, Wm Barton, Benjamin Barton and James Beckley
Same
vs }
John Dudley, Charles R. Hamlet, Blanton McAlpin
Same
vs }
John Baldwin, James M. Powell
Same
vs }
+[me] George W. Higgins, ~~James~~ John McNeeland, John McNary
Same
vs }
Sherwood Holley Jr & Anderson Robertson

Same
vs }
Peter Walker, John F. Forrest, William B. Duncan
Same
vs }
William Fleming, Henry Scales, Daniel B. Turner
Same
vs }
William A. Foote, Charles Haig, Albert L. McAllin, John H[illegible]
Same
vs }
Stephen Herd, Melkijah Vaughan, Thomas D. Crabb
Same
vs }
Joseph Clift, James B. Graham, James Anderson
Same
vs }
James Alford, Robert A. High, Granville Burnett
Same
vs }
Absalom Gary, Thomas W. Gary, Marvel Gary
Same
vs }
Edward H. Hibbert, John Hibbert & Nathan Cook
Same
vs }
John Cinmore, Hambeck Bony, James Files
Same
vs }
William McConnell, Thomas McConnell, Richard Hopkins, John McC[illegible]
Same
vs }
William McConnell, Th. McConnell, Richard Hopkins, John McC[illegible]
Same
vs }
Theophilus Nicholson, Isaac W. Nicholson, Josiah Nicholson
Same
vs }
Oct. 9th 1827.

C. Perkins
Attorney for Presidt
and Directors of the Bank
of the State of Alabama

The President & Directors of the Bank of the State of Alabama will by their attorney move the court now in session for judgment against Benjamin Bradshaw, ~~John H Higgins~~ & John Ashurst & John H Higgins

~~October 11th 1827~~

Oct 11th 1827 — C. Perkins attorney for the President of the President and Directors of the Bank of the State of Alabama

William May
vs
Jacob Odam & others
} motion for a new trial on the grounds that the verdict is contrary to Law and evidence 2nd that it is contrary to the charge of the Court

Collier atty for Defts
overruled

10th Octo: 1827

N H Bolles and
Higgins Whitmore &c
vs
Harden Perkins
Thomas Cummings &c
} The plaintiffs move to amend the judgment rendered at the last term of this court in this case so that judgment be for the costs which accrued on the trial of the right of property between said plaintiff and B C Nuttman, whose securities the said defendants were

10th Octo: 1827

Collier atty for Pltff
Granted

Riggs &c
Lincoln Bean
A Garnishee
} In this case the Garnishee will move to set aside the judgt entered agst him in favour of the Pltff — This motion will be predicated upon affidavits

11th Oct 1827 —

Shortridge & Ellis
Attys for Bean

Judgt set aside by consent

William Coon } In this cause the Plaintiffs moves for
vs } New Trial on the ground that he was
William H. Bliss } by Surprise on said trial - as is specif
in certain affidavits which are submit
to Defendants attorneys -
overruled
Wm H. Barton
Plffs atty

Whitlock }
vs Chancy } Motion to dissolve the injunction
Haber } on the answer of Haber as
filed -
Messrs Barton & Stewart
Sol. for Com.
Peck
Petitioner

Berry }
vs } Deft moves for a new trial
Nolan } on the ground that he has
a just defence against the
claim, as he will shew by
affidavits
Peck

Lemuel Brandon }
vs } Trial of right of Property
Snow & Cunningham } The Claimants in
this case move
for a new trial
for the following reasons - 1st The verdict of
the Jury was contrary to law & evidence 2nd The judge
misinformed the Jury in point of Law -
3rd That the witness[s] did not disclose every
material fact in their possession knowledge
because they did not know it was necessary
for them to do so, which affidavits submitted
will shew 4th Injustice has
been done by the verdict } Collier atto. for Claim
Granted

October Term 1827 —

Rhodes } Dissolve Injunction
vs } In this cause a motion will
Shelton } be made to dissolve the Injunction upon bill and answer.

Seth Barton Esqr. Shortridge & Ellis
13th Oct 1827 Sol. for Shelton

State } In this prosecution the defts move
vs } the Court for a new trial upon the
Webb & Yerby } following grounds first the Jury found contrary to Law, 2d contrary to evidence 3d Damages as to both defts excessive — Shortridge & Ellis

In the above cause Yerby moves also by his Attos for himself separately & in addition to the above grounds relies upon the affidavit of Septha Webb, which will then be produced. Shor & Ellis p. d.

New Trial as to Yearby only on payment of cost

Overton Harris } Exs from Justices court
vs } Motion to sell real estate for want of
Wm Nichols } personal property — S & E for Pltf
Granted

Wm H Bliss } Motion to sell real property for
vs } want of personal property upon
Thos M Davenport } 3 exons from Justices court Granted S & E for pltf

Gamage } motion for judgment against H P Cochran Sheriff
vs } of Tuscaloosa County for failing
Cochrane } to make money on an execution in favour of J. Gamage against John Hill
Granted S & Ellis for Pltf.

March Term 1828

15
motion refused

Sarah Spiller
v
John Hodge

Motion to discharge the bail taken in this cause because there is no order made by any person legally authorized to make the same requiring the Deft to be held to Bail.

March 3rd 1828

Shortridge & Ellis
Defs Atto

15
motion refused

Richard Holley for use &c
v
Edward Williams

Motion to discharge the Bail in this cause because there was no security for cost given as the Stat in such cases requires

3rd March 1828

Shortridge & Ellis
Jack Defs Atto

15
Motion withdrawn

George Berry
v
A. B. Thomas

Deft by attorney moves the Court to quash the proceedings of the justice of the peace for gross irregularity on the part of the justice in rendering up judgment.

Jack
D.A.

15
motion withdrawn

Same
vs
Same

Same motion

Jack

15.
Nonsuit set aside on payment of costs of the action & leave granted pltff to amend decl.

Ezekiel Fuller ass ee
vs
Hanah Longmire

Saturday morning 8th March 1828

In this case the atty for the plaintiff, moves to set aside the non suit, on the ground, that the error should have been amended as in fact & case the case had not been put to the jury. 2nd That the cause of action is just one. Argue.

3d. That in this case a judgment by default had been set aside to give the Defdt time to plead, when in fact there was no meritorious defence.

P. H. Cones[?] Atty Pro. [illegible]

15 New trial granted on payment of cost unless pltff remit of the damage except $400.

Merrit
v
Norworthy & Heston[?]

} The Defts move for a new trial Because the court misinstructed the Jury
Because the Jury found contrary to Law & Evidence
Because the Damage is excessive & enormous also on the ground of newly discovered Testimony upon which last ground affidavits will be submitted

Motion refused pltff having remitted $300.

Shortridge & Ellis[?] Pro Def.

~~The State~~
~~vs~~
~~Franklin Broadnax[?] The defendant moves for a new trial because the Jury found contrary to law and evidence~~

~~Aaron Ready~~ pro qu[?]

15 New trial granted on payment of costs.

H. P. Cochran[?] admr &c
vs
John Hudson[?]

} The Defendant in this Case moves the Court for a new trial on the following grounds 1st The verdict of the Jury Contrary to the law and evidence – 2nd The Defendant was surprised by the testimony of George Roberts, Thomas Ivy[?] & Claiborne Harris ~~& to shew that they~~ were mistaken in the evidence given by them, submits sundry Affidavits & ~~documentary~~ proofs} to shew that gross Injustice has been done the Defendant by the verdict of the Jury he submits sundry Affidavits – 4th The Defendant has discovered since the trial new and important evidence

11th March 1828

H. W. Collier for Deft

15 State } Larceny
New trial v. } The Deft. moves for a new Trial
granted Wm. G. Myres } Because the verdict of the Jury is
on payment not warranted either by the Law or facts
of cost. in evidence
[illegible]
Deft. Atto

15 Abram Hart } Motion for an award of
Motion v. } exon upon a forthcoming
contd. Thos. Cummings } bond to be made on
Enoch Elliott } the 22nd. March 1828.
Shaw Ellis
Atto for Hart

15 Stone admr. } In this case the finding of the
~~Motion~~ v. } Jury being less than fifty dollars
granted Pitcher & Marr } a motion will be made for nonsuit, set aside
no affidavit being filed. the verdict, and in arrest of the Judgt. under
the Stat on that account.
15 Motion refused ptff having filed an affidavit
Shortridge & Ellis
Atto for Defts

15 Joseph Eddings } Motion for a New Trial on the ground
~~New trial granted on payment of costs~~ vs. } 1st That the verdict is against Law & Evidence
Turner Hammer } 2nd That the Court admitted illegal testimony
~~Motion withd.~~ on the trial of said Cause - 3rd That the verdict does not determine the points in Controversy between the parties, as shown
New by the testimony on the trial -
trial Barton & Shortridge & Ellis
refused 4th The Jury should not have given damages - Attos for Defendant -

15 Edward Davis } Motion to set aside the Nonsuit ordered
motion vs. } in this Case, on affidavits to be exhibited
granted H. W. Gahram } to the Court.
Wm Barton
Plffs atto.

15 Ira Griffin assr } Motion to set aside the
motion v. } Judgt. entered for want of
granted M. H. Berry } a decln. upon affidavits
Short & Ellis
Defs. Atto

Pitcher Wyzer & Co
vs
Peter A Remson

The plaintiff in this cause moves for to set aside ~~the~~ non suit in this case, on affidavits to be submitted to the court & also for surprise at ~~the trial~~

~~[illegible]~~ ~~P. W. Wilson~~

~~[illegible] March [illegible]~~

~~[illegible]~~
Robertson & Barnwell
vs
James Childress

The deft in this cause will move ~~to set aside the non suit in~~ for a new trial in this case on the ground of a mistake made by the Jury in allowing defts setts off & on affidavits submitted by the defts. 12th March 1828. ~~P. W.~~ Wilson

The deft in the above case will also move, if a new trial be not granted, that the pffs be taxed with the entire cost of subpoenaing & attendance of the pffs witnesses. ~~[illegible]~~ P. W. Wilson

Murphy
vs
Nasworthy

The defendant in this case moves for a new trial upon the grounds that the finding of the jury was contrary to law and evidence.

Aaron Ready
Atty for dept

~~The defendant in the above named cause, to wit, Murphy vs Nasworthy, will demands a new trial upon the grounds also of the discovery of new testimony~~

Ready pro que

Fontaine & Battle
vs } 3 Cases
Wm Bragg

The said Fontaine & Battle moves the Court for an order to sell the East half of NW¼ sec 34 Township 20 Range 11 West in Huntsville Land District levied on by a Constable as the property

Collier atto =

15 Edward Sims et al
Motion vs
withdrawn Thos Goyne

The plaintiffs in this suit will move the Court to exclude from taxation in the bill of costs, the attendance of such witnesses as were not sworn on the trial
17th March 1822 — [illegible] atty

Ezekiel W. Young
vs
Mary H. Hill
[illegible]

Ezekiel W. Young
vs
Mary H. Hill

~~The defts move for a new trial in this cause, because the Court rejected defts testimony improperly. Because defts were surprised at the trial. Also because the verdict is for more than the pltff is entitled to in justice & in conscience. Also on the ground of newly discovered evidence.~~
[illegible] for defts

15
Motion granted on payment of costs

The Presdt Courts &c of Tuskaloosa
vs
James Paul

The said Plaintiffs move the Court to set aside the verdict rendered in this case and for a new trial — Collier for pltffs

Granted George Davis use of Pierce vs Hearn & Williamson } motion for order to sell real Estate levied on by a constable Jack

Granted Wm Bliss & by Hearn & Murphy } Same motion Jack

Granted David McGrew vs Wm R. Hearn } Same motion Jack

Granted George Dickson vs Wm R. Hearn } Same motion Jack

15 A motion will be made to require the shff to pay over the amt of money due upon an exon from a justice of the peace upon which an order was made by the circuit court subjecting the N.W. quarter of sec 10 Town 21 Range ... in the payt of the same which exon was in favour of ... Harris & ... Nichols said Land having been sold by the shff upon an exon from the circuit court in favour of William Owen and notice given to retain the money

Chittenden & Ellis
Atto for Harris

Sep Term 1828

Michael Collins use of
J B Leavins
ads } Error from Co Co
Merryman Pounds &
Benjamin Williams &
Williams Camp. Co county

The defendants in error in this case will on the 6th day of the present term or so soon thereafter as motion can be heard, move the court for the affirmance of Judgement of the county court of Tuskaloosa County on the certificate of the clerk of said court

Jack & Wilson —

Samuel B Pigues
vs
Hamblet Crowder &
Henry Russell

The plaintiff by his attorney will move the court for order to sell real ~~estate~~ levied on by a constable by virtue of an execution issued by Justice of the peace

Jack & Wilson

Daniel Rogers
vs
Robert Mayfiel &
Samuel Mayfield

Same motion as last above

Jack & Wilson

Thompson Wardham
Edward Ellcott Exrs
vs
Thomas Cummins
Thomas Edwards &
Jeremiah Murphey

Motion to sell real estate of defts levied on by constable on Justices execution —

Jack & Wilson

Robert Weir & Co.
vs
Charles Barker

Motion to sell land seized on by Constable by virtue of execution issued by Justice
Jack & Wilson

Same
vs
Same

Same order as above
Jack & Wilson

D. Rogers
vs
Mayfield & Mayfield

Same motion

Robert [illegible]
vs
James Becker &
Joseph Becker

The plaintiff will on the fourth day of the present term, move the court to set aside the nonsuit entered in this cause at the last term of this court, on the ground that the plaintiff had no notice of the appeal being taken from the Judgment of the Justice of the peace
Jack & Wilson

James Childress
vs
John [illegible]

In Equity

Motion will be made to dissolve the injunction under the Statute
Jack & Wilson

T. Oliver
vs
John Bryant

The defts. move for a new trial because 1st He was surprised by the rejection of his deposition & he will offer affidavits of a meritorious defence 2nd the verdict of the jury agst law & evidence
Cobb & Wilson

The President & Directors of the Bank of the State of Alabama
vs
Benjamin Barber Shff Marengo County

Motion for judg[ment] on [illegible] of the [illegible] against the Deft. [illegible] failing as Sheriff of Marengo County to return an Execution

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Same
vs
John Martin Shff Montgomery County

Same Motion

Fontaine & Battle
vs
[illegible] Mall, Robt Mayfield & Saunders Mayfield

Motion for an order to sell the East half of the N E 1/4 of Section 33. Town 20 Range 11 [illegible] [illegible] Mayfield [illegible]

Order granted

George Starr
vs
Robt & Saunders Mayfield

Motion to sell Estate levied on by a constable

Pitcher vs Booker
Same motion — Jack & Wilson

Same
vs
Robt Mayfield

Same motion

Wm A McDaniel use of Smith
vs
Campbell & Cummins

Same motion

Charles G Pilcher & co }
vs } Same motion
Robt Mayfield }

Jack & Wilson.

The court will be moved to in[struct] the clerk, now to tax the costs in the case of the State against Wm G. Glover. Jack & Wilson.

Peter Donaldson }
vs } motion for
Francis Daugherty } a new trial
First the finding of the jury was contrary to the evidence 2 The jury were mistaken as to the case. 3rd other important testimony can be adduced which would not be done before

Jack & Wilson

Fletcher Wyzle & Hood }
vs }
Peter H Renner } Motion for new trial
on affidavits &c. Lee Wilkins & Wilson

Suddalls
v.
Philoups. The deft moves for a new trial on the grounds that the verdict is contrary to evidence and against the express charge of the Court
[illegible] & Gayle

October Term 1828

C & A. Bates
vs
James Childress

The Plaintiffs will move the court to reinstate this Cause on the Docket, upon Cause to be shewn on their behalf.

Barton & Stewart
attos for Plaintiffs

The court will be moved to deem the allowances as reported by Hopson & Owen the commissioners appointed at the last term to ascertain what amt was due Wm. G. Glover for his services in the Equity cas of Boardman against Colstonstalls

Jack & Nelson

Jas. Haggard
vs
Benj. Williams

The Defendant move the Court for a new-trial on the following grounds 1st Surprise on the part of the Defendant 2nd The verdict contrary to Law & evidence — Affidavit will be filed —

H. W. Collier for the motion

Robt Rees & C
vs
Ezra Patch & another

Motion to dissolve the Injunction in this Cause on the Answer of Patch & C

Collier for the motion

October Term 1828.

Calvin Morgan et al }
vs } In Equity
George Morgan et al. } A motion will be made by the defendants Laurence & Keese, + Boyd & Co to dissolve the injunction and dismiss the Bill as to them for want of Equity, against them.

Barton & Stewart
Solicitors for L. & K.

T. C. Gholson }
vs } Trover
H & W. Buck } The defts will move for a new trial in this cause because the verdict was contrary to Law & Evidence, & contrary to the charge of the Court, and because the court misinstructed the Jury on ~~some~~ points of Law.

Barton & Stewart
attos for defts

Ambrose Turner }
vs } Assumpsitt
Jas. H. Dearing & Co } The Plaintiff will move the Court to set aside this nonsuit and reinstate the Cause for Cause to be shewn

Seth Barton
Plffs atto.

John D Richards }
vs } Motion to sell real estate
Ivory B. Perry }
Ellis

Obadiah Mayfield }
vs } Motion to dissolve the
T. & Merrit } Injunction upon Bill & Ans.
Ellis for Defts

John Moore } [illegible] to try title
vs }
Mr Bryant } Move the court for an order of survey
Ellis

New trial granted upon Deft. giving bond for costs to the court

Hudson's admr.
vs.
John Hudson

The defendant by his counsel moves the court for a new trial on the ground that the verdict is contrary to evidence & law and against justice —

Collier & Gayle

Hudson's admr.
vs
John Hudson

The Defendant moves for a new trial on the grounds of surprise and because the judgment in this suit cannot be pleaded in bar to another action instituted upon the same evidence

Collier for the motion

James R. Mattbie
vs
Wm. M. Mann
& James Pitcher

On the trial Docket

The Plaintiff will move to make final a Judgment by default claimed in Office in March 1828 for want of a plea, and to reject the plea filed since, for cause to be shewn on affidavit.

Barton & Stewart
attys. for Plff.

Robertson & Barnwell
vs
Jas. Childers

The Defts. will move the court to retax the costs in this case on the ground that seven witnesses on the part of Plffs. have proved their attendance who were called on at the trial — Affidavit submitted

Wilson

S. Cnight
} Motion to sell real estate upon
Heller & Kidein } exam from grist or court
E. Ellis

Wrangal
vs
Magluse & Watson } Motion to Dissolve the Injunction
H. & P. Cochrane } upon ant of H. Cochrane
H. Ellis
Sol for Resp.

Dunstan Banks
vs
James Hendrson et al } Motion to decree costs in favour of the plaintiffs.
Craik & Nelson

April Term 1832

Nehemiah T. Miller
vs
James Kaynee et al } Security for costs will be required in this case on account of the non residence of the plaintiff.
Wilson for Kaynee

Motion [illegible]

Jeremiah Murphy
vs
David G. Campbell

3 Cases
Motion to sell real estate on executions from a Justices Court

Barton & Stewart for Pltff

Motion [illegible]

Wm May
vs
Jno Leopard Senr
Jno Leopard Junr

a Motion will be made to set aside the nonsuit taken in this Cause on a shewing to be made by pltff

Barton & Stewart for Pltff

Motion Granted

Jas. Horgan Heirs
vs
Jno Boatner

Motion for order of sale of real property levied on by constable by virtue of a Fi. Fa. issued by justice of the peace in favor of pltffs. vs. defendant—

Crabb for Pltffs

Motion granted

Henry Hicks
vs
Leroy Lewis

Motion to rule the pltff to give security for costs within the legal time,

Zack Wilson pro def.

Stedman
vs.
Thomas & Franks

Appeal
A motion will be made to set aside the Judgt. of non pros— upon affidavit

Ellis & Bo[illegible]
for Pltff

Elizabeth Wright } A motion will be made in this case to tax
vs. } Appeal — } the pltff. with the costs — and particularly with
Wm. Bryant } the costs of the witnesses summoned by pltff. & not examined on the trial —

Motion Overruled

Crabb, for deft.

Tuesday March 17th 1829

Peter Manar
vs
William G. Glover } In Trespass assault Battery &c.

Motion overruled

The plaintiff moves for a new trial in this cause for the following reasons

First. The verdict is contrary to law and evidence

~~Secondly — The finding of the Jury is against the instruction of the court as to the law of the case.~~

Marr Trapp & Ellis } p.q.
Barton & Stewart }

E. Jenkins & others
vs
J. Hudson

Overruled

Motion for new trial because the verdict was contrary to law & evidence & for impropriety on the part of the jury which is supported by affidavits

Motion

Tuesday 12 Oclock. The affidavits relied on in the above case are required forthwith to be filed.

Lock & Wilson

Crabb, & Short & Ellis p.d.

Benj. Sherwood
vs
Jno. C. White

Deft.

The defendant will move in arrest of Judgment, in this cause, because.

It does not appear that the proceedings had upon which Judgment was rendered, were had in a Court of record.

2 Because it does not appear that the ~~record~~ Judgment in said declaration described, would have the virtue of Record evidence in North Carolina.

Barton & Stewart

defts attys.

March Term 1827.

Motion overruled

B. F. Spencer
vs } Trover
P. P. Wright.

The plaintiff will move for a new trial in this cause on the following ground

1st. The verdict is contrary to Law & Evidence.

2d. The talesmen or a part of them had been summoned by the defendant himself.

Barton & Stewart
defts attos.

C. Lewen vs P. A. Remsen } & { P. A. Remsen vs C. Lewen

Motion overruled

Peter A. Remsen will move the Court that the ~~award~~ judgments entered in this cause on the award returned in these causes be set aside for reasons to be shewn.

Barton & Stewart
attos for P. Remsen

Motion granted so as to set off as far as the principle of the judgment not including the cost

Benjamin Williams vs James Haggard } Motion to set off a judgment heretofore obtained in this court in favor of Benjn. Williams vs. Jas. Haggard, against a judgment heretofore obtained in said court in favor of Jas. Haggard vs. Benjn. Williams. The 1st judgt. was rendered before the latter, but too late to be pleaded in the second action—

Crabb for Williams

Griffin vs Jones } Motion for a new trial on the ground 1st the finding was contrary to the Evidence 2nd One of the jury was interested in condemning the property: Which fact was not known till the case was put to the jury. Lock & Wilson

Motion overruled

Middleton vs Middleton } In chy —

Middleton } A motion will be made in this cause to set aside order of dismissal made at the last Term and to reinstate said cause on the Docket

Eddy

Motion overruled

Motion overruled

Robinson & Davenport vs Garnishment Geo. Starr } Motion to set aside judgment in this case

Crabb —

Motion granted

A Smith vs Wm Hines } A motion will be made to sell real estate on an execution from a Justice Court

Shurtridge & Lewis Pff Atts

Saml W McCrory vs Robinson & Napier } Same motion in two executions,

Shurtridge & Lewis Pff Atty

Motion granted

Thos Veach vs Wm Hines } Same motion,

Shurtridge & Lewis Pffs Atty

John Haughy
vs } Appeal
+ Daniel Holman

Same
+ vs } Same
Same

in the above cases.
a motion will be made to set aside the Judgt taken upon an appeal bond —
Ellis & Burn
for Defts

Simeon Bean
+ vs } Motion for order to sell land levied on by Justices
Isaac Wood. Jack & Wilson
Executor

Simeon Bean
+ vs } Motion for order to sell land levied on by Justices
Isaac Wood Jack & Wilson
Executor

E. Woods, Exr, ade &c.
vs. } Motion vs. said Sheriff & Securities on several grounds as will appear by reference to notice filed with Clerk —
Fitzgerald, Sheriff & others

Friday March 1829—

E. Woods & Co use of Joseph Wheelock

vs.

Garret Fitzgerrald Sheriff of Marion County State of Alabama, & his securities in office Harley Tuttle, John Williams, Leonard Switzer, James S. Ewing, Benton Marshbanks & John White—

Plaintiff moved the court for judgment vs. said Sheriff & his said securities for failing to return according to law a capeas ad satisfaciendum which issued from the office of the clerk of the circuit court of Tuscaloosa County & state aforesaid on the 17th day of November 1827— was directed to the said Sheriff of said County of Marion & returnable to the term of said court next ensuing its issuance, on a judgment rendered by said court at its term of the second monday after the fourth Monday in September 1827— in favor of E. Woods & Co who sued for the use & benefit of Josephus Wheelock against Wm. W. Drinkwater for the sum of $1797.32¢ debt & $304 & forty cents

[illegible]

October Term 1829

Matthew Allen &c
vs
Lewis & Wyzer } Motion to retax costs
on ground that James Pitcher a witness summoned by
pltff, was not examined on the trial and was incom-
petent to testify, apparent from facts disclosed in the record
& in affidavit filed in clerks office.
Geck & Wilson
attos for defts

Same vs Same. Same motion.
Geck & Wilson for defts

William R Colgin admr of
Jno T Luby decd
vs In Chancery
Jno O Cummins Surv partner
of Cummins & Luby & Jno T Luby &c } The defts in
this cause will on the taking up thereof move
the court, for a ~~division~~ decree of a division of
the outstanding accounts & effects, yet uncollected
& undisposed of, belonging to the said firm as now
disclosed in petition in this behalf filed
12th Oct 1829 Geck & Wilson
pro defts

Wm M Marr
vs } Motion for new trial
Sam Scott et als
owners &c Stbt Superior.
The Defendants move
for a new trial because
1 The verdict was against the Law
and facts of the case
2nd The Court charged the jury
improperly as to the Law, In regard
to the legal consequence of the
license given the negro by the Plaintiff
And 3rd The court improperly obstr...

the objection to the testimony as to its failing to establish the character of the ownership of the Defendants and their consequent re-lation to Relator.

3. The Jury did not correspond with the allegations in the declaration.

J. F. Lowe
Atty. Pro. Relator

James Tubble

William Jennings } A motion was by Plaintiff made to see the [illegible] half [illegible] quarter of Section 10. township 22 Range [illegible] East containing 40 acres more or less with the appurtenances thereon [illegible] Office of [illegible] Estate [illegible] in Execution [illegible] by a Justice of Peace

[illegible] Clerk

Timmy Mayfield
Atty [illegible] Motion filed [illegible]
[illegible] This [illegible]
John Coleman [illegible] Jos. M. Atchison

Wm A. Phelps } Plff moves for a new trial
vs
Hardy Jones } Deft on the following grounds
The Verdict is contrary to Law and evidence
2nd The reasons which will appear by affidavits which are now [illegible] filed - evincing unfair conduct in some of the Jury during the progress of the trial.

Hardy Jones } case for Mot. /Mos.
vs
Wm A. Phelps } The Defendant moves the court for a new trial. Because the Jury found contrary to evidence and instruction of the court - and Because the court misinstructed the Jury

C. G. Pitcher & Co.
+ vs.
Nicholas House — Motion to sell Real estate upon exo. from Justice court
order
Ellis & Bienn[illegible]
for Pl.

Robt. Green
vs.
+ George Roberts — Motion for a new trial on account of newly (Granted) discovered testimony as set forth by affidavits filed with the clerk
Craft for Pltff.

A. P. Baldwin
+ vs.
Nicholas House & others — Motion to sell real estate (order) upon Exo. from Justice court
Ellis & Bienn[illegible]
for Baldwin

October 14th 1829 — A new trial granted.
Hardin Perkins
ats } Trespass
+ Samuel Maverick — In this case the deft. moved for a new trial on the grounds, 1st. The jury found contrary to [illegible] evidence before them — 2d. The jury found contrary to the instructions of the court upon the law of the case — 3d. The instructions or charge [illegible] the court was contrary to law — & 4th. The damages found are excessive [illegible]
Craft atto. for Perkins

Donaldson
+ vs.
Dougherty et al. — The plff will move for [illegible] against an award of exo. under the stat — [illegible] Agreed between the Deft. upon a delivery bond —
Ellis [illegible]
for Donaldson

October Term 1829.

John Gayle Jr
vs
Jno: Hudson } appeal

" The pltf moves for a new trial on the ground that the verdict of the Jury was contrary to law + evidence, and contrary to the charge of the Court — New trial.

Barton + Stewart
attos for Pltf.

Kirk
vs
Goodwin } motion for new trial because the verdict was contrary to law + evidence + the charge of the court.
Jack + Wilson
for E Walker

J. H. Dearing + Co
vs 1
House + Neal. } Order
Motion to sell real estate levied by a constable as property of House.
B + Stewart atty for Pltff

+ Geo. Miller
vs 2
Bross + Haynes } motion to sell real estate levied as property of Jno Bross
Order
B + Stewart atty for Pltff

L Logan
vs 3
+ Jno Bross } motion to sell real estate levied by a constable as propty of deft
Order
B + Stewart atty for Pltff

Moses Fleming
vs 4
+ Jno: Bross + Jno: Miller } motion to sell real estate levied by a constable as property of Jno Bross. Order
B + Stewart atty for Pltf.

October Term 1829

John Murphy Exr
vs
Wm. Martin Junr &
his securities.

Dismissed.
The deft. moves for [illegible]
dismissal of [illegible] suit
pursuant to Award.

Costs to Court [illegible]
[illegible] for [illegible]

Commissioners of
State Capitol
vs
Wm. Martin Junr

Motion will be made by the
deft. for judgt. pursuant
to award.

Costs to Court [illegible]
[illegible] for [illegible]

D. April Term 1830

Thomas B. Scantland
vs
Kinney Pool.

Andrew Dunn
vs
Zachariah Mangum

Defendant moves for a new
trial on the grounds stated in
his affidavit. J.J. Aiken
p. deft.

October term 1829.

+ C. G. Pelotier &c. vs. Benj. Higgenbottom — order — Motion to sell real es[tate] upon ex. on from justice court

Two cases. Ellis & R[umsey] P. q.

Nonsuit
+ Poke vs. King — The verdict in this cause being for less than fifty Dollars the Deft. moves the court for a non-suit — upon that ground. Ellis & Rumsey for Defts.

John B. Hogan vs. Christian Busby — overruled — Motion will be made to quash for want of ~~legal returns. by Sheriff~~ Returns — Shortridge & Lewis Defts Attys

+ Jeremiah Murphy vs. J. C. Campbell — 5 — order — Motion to sell real estate on execution from a Justice of the Peace. Baxter & Stewart atty for Pltf

+ Same vs. Same — Same Motion. order — Baxter & Stewart atty Pltff

+ Same vs. Same — same motion. order — Baxter & Stewart atty for Pl[tf]

C. G. Pitcher & Co.
+ vs.
Nicholas House } Motion to sell Real estate upon exn. from Justices court
order
Ellis & Bemiss for Pl

Robt. Greer
vs. ~~Geo.~~
+ George Roberts } Motion for a new trial on account of newly discovered testimony as setforth by affidavits filed with the clerk
Granted
Craft for Pltff.

A. P. Baldwin
+ vs.
Nicholas House & others } Motion to sell real estate upon Exn. from Justices court
order
Ellis & Bemiss for Baldwin

October 14th 1829 - A new trial granted.
Hardin Perkins
ats } Trespass
+ Samuel Maverick } In this case the defts. moved for a new trial on the grounds, 1st The jury found contrary to the evidence before them - 2d. The jury found contrary to the instruction of the court upon the law of the case - 3d. The instruction or charge of the court was contrary to law - & 4th. The damages found are excessive -
Craft atto. for Perkins -

Donaldson
+ vs.
Dougherty et al. } The pltff will move for ~~against~~ an award of exn. under the stat - against the Deftl. upon a delivery bond -
Agreed between
Ellis ~~& Bemiss~~ for Donaldson -

October Term 1829.

John Gayle Jr
vs
Jno: Hudson } appeal

The plff moves for a new trial on the ground that the verdict of the Jury was contrary to law & evidence, and contrary to the charge of the court. New trial.

Barton & Stewart
attys for Plff

Kirk
vs
Goodwin } motion for new trial because the verdict was contrary to law & evidence & the charge of the court.

Jack & Wilson
for E Walker

J. H. Dearing & Co
vs 1
House & Neal } Order
Motion to sell real estate levied by a constable as property of House.

B & Stewart atty for Plff

Geo. Miller
vs 2
Bross & Haynes } Motion to sell real estate levied as property of Jno Bross
Order

B & Stewart atty for Plff

L Logan
vs 3
Jno Bross } Motion to sell real estate levied by a constable as propy of deft
Order

B & Stewart atty for Plff

Moses Fleming
vs 4
Jno. Bross & Jno: Miller } Motion to sell real estate levied by a constable as property of Jno Bross. Order

B & Stewart atty for Plff

October Term 1829.

C. G. Pitcher &c.
vs.
Benjn Higgenbottom } Motion to sell real estate upon act^t for partition court
order
Two called. Ellis & Ramsey
D. g^s.

Pope vs King } The verdict in this cause being for less than fifty Dollars the Deft^t. moves the court for a non-suit — upon that ground. Ellis & Ramsey
for Deft^t.
Nonsuit

John B. Hogan
vs
Christian Busby } Motion will be made to quash for want of ~~legal returns~~ ~~by Sherriff~~ Returns
overruled
Shortridge & Lewis
Defts Atty

Jeremiah Murphy
vs
J. C. Campbell } 5 Motion to sell real estate on execution from a Justice of the Peace.
order
Baxter & Stewart
atty for Pl^ff

Same
vs
Same } Same Motion — Baxter & Stewart
order atty Pl^ff

Same
vs
Same } Same motion. Baxter & Stewart
order atty for Pl^ff

October Term 1829

John Murphy Govr
vs
Wm Morton Junr &
his Securities.

Dismissed.
The deft moves for ~~an~~ dismissal of said suit pursuant to award.

Paxton & Stewart
attos for Morton.

Commissioners of
State Capitol
vs
Wm Morton Junr

Motion will be made by the deft for Judgt pursuant to award.

Paxton & Stewart
attos for Morton.

J. April Term 1830

Thomas B. Grantland
vs
Kinney Pool.

Andrew Dunn
vs
Zachariah Mangum

Defendant moves for a new trial on the grounds stated in his affidavit. J.G. Aikin
p. defts

Motion discharged — Berry v. Donaldson — Right of property. Motion for new trial because the Jury found contrary to Law and evidence — newly discovered Testimony. S & Ellis —

John Hudson v. E Jenkins [illegible] And admr — In chy — Exceptions to Respondents ans. filed; which it will be insisted that the ans. is insufficient.

Ellis for compl.

+ Motion granted security to be given within 60 days or pltff be nonsuited + — King admr v. Tardy [illegible] Sam Tardy & Son — Rule for security to pay costs — pltff being non resident. S & Ellis —

Thomas B. Grantland v. Kinney Pool — Rule for a new Trial, the finding of the Jury being contrary to Law & Evidence. Bayar & Aikin

10. New trial granted on paying the cost as a condition precedent. [illegible]

L. Abercrombie v. Gideon Berry — Detinue — 11. New trial granted unconditionally, — The plaintiff moves for a new trial, the verdict was contrary to law & evidence, the previous title of the plaintiff was proved & admitted, & no proof made by the defendant shewed that he did ever divest himself of title.

G. N. Stewart
atty for Pltff.

un adv. Discharged — Haughey v. Ray — [illegible] Trop. — Motion for Judgt for full cost upon the finding of the Jury — S. & E.

Jas H Dearing Heo
ats
A Turner } granted Motion for new trial
on the ground of newly discov
testimony — and on affidavits f
7 April 1830 — Crabb & Wilson
Deft

John Hudson
vs } Chancery
Elias Jinkins admr } Motion to dissolve
Injunction on answ
filed — 7 April 1830 Wilson Deft

Jas H Dearing
vs } Chancery
Dougald McFarlane } Motion to dism
Bill because fu
at law the subject matter of the Bill
has been decided in favour of Deft
7 April 1830 Wilson for Deft

under. Dougald McFarlane
~~Joseph B~~ vs
Joseph Black et al } Motion to discha
+ on the taxation of the charge of Wm L McDaniel
a Constable for keeping a horse levied
on by attachment on affidavits filed
7 April 1830 Wilson

~~under~~. Malone use of Lipscomb
discharged vs
James Witherhead } Motion for new trial be
the proof found contrary to law
& evidence, also upon affid
avits which will be exhibited
Shelridge Adams
for Deft

Discharged Same
vs
Same } Same motion

S. S.
Def. C

Nehemiah Rogers Samuel Rogers } This is a motion to reinstate
and Edward Rogers. } & be reheard in, a case late
vs. } In Chancery — } depending in this court on the
} Chancery side thereof, wherein the Sd.
Ira Griffin. } ~~Rogers~~ Griffin is Complainant & the Sd.
Rogers are defendants, which Bill in equity was
within the last 3 years taken pro confesso & decree thereon
~~without~~ notice to the defendants of said decree; all
the requisites of the Statute having been complied
with — 7th April 1837.

Geo. W. Crabb for Motion.

Motion granted ... Neale } Certiorari
v.
McClendon & Arthur }

The Deft below, moves to set aside the Nonsuit in this cause on the grounds set forth in an affidavit filed

Nonsuit set aside

Thornton & Lewis for Neale

Motion discharged. Lat. Paul vs Timmy Pool. } Motion for a new trial on the ground of surprise by the oath of James Paul an Affidavit will be filed

Ellis

Walter Anderson Assee &c
vs
Discharged Wm. H. Cack } A motion will be made for an order to sell certain real estate, levied on by virtue of an Attachment issued by a Justice of the Peace — Judgment for $16.37½ & Costs —

Crabb & Moody.

Motion Jeremiah Murphy
granted vs.
D. G. Campbell } Motion to sell real estate in three Cases — on a Justice, Judg[ment]

The Plaintiff moves that the returning officer (the Constable) have leave to Correct an error in the Number of the Lot Levied on.

G. N. Stewart

April 8th 1838.

Mary Ann McGowan et al. } The deft in this cause will move
vs. } Bill in Equity } to dismiss the Bill for want of equity & then
E. H. Young } if necessary to dissolve the injunction for the want of equity or on answer.

Yelton, Shortridge & Crabb for deft

Notice acknowledge service ~~of notice~~ of this motion – 8th April 1838

T. N. Stewart
for Complt

Motion granted — William Taber vs. + Stephen B. Holton } An application will be made for an Order of Court to sell certain real estate, levied on by virtue of a Writ of Fieri Facias issued by a Justice of the peace. Debt $28.20 besides Costs –

Crabb & Moody

Motion granted — The Same vs The Same } A similar motion. Debt $28.20 besides Costs.

Crabb & Moody

cur adv. Harrell use of Canton
vs
Motion discharged — Dand Harmer } Motion for a new trial.
1st. Because the jury rendered a verdict contrary to law & evidence –
2nd The judge charged the jury contrary to law
3. Newly discovered evidence, & affidavits filed

J. Paul
vs
Kinny Pool } In 2 appeals

The Plaintiff move, that new security be given, as the ~~appea~~ security in the appeal Bond is insufficient.

T. N. Stewart
Pltffs atto.

...paringg
vs } Motion to set aside the
Pool & Caruthers } Judgt. & award a new trial, —
because on the second plea the law is with
the pltff.
Good [illegible]

Billy Dennis }
vs } Discharged
Gwinnupp } Motion to reinstate the cause
& set aside the judgment & that the cause
stand continued.
Good [illegible]
Atto for dft.

Whatly & McGlen an
Davis Johnston — Motion to allow Estate
1 Chatham — " " of dft. lot No 355 to vault
" " personal [illegible] — [illegible]
[illegible] by pltff in execution
Chatridge & Lewis
for pltff in execution

Hudson }
vs } Motion to conform of
Dennis, Lewis } the line of pltff
Lewis & Lewis

In this case ordered that the [illegible] of the
pltff be applied to the payment of the cont.
on which Jury Short [illegible] obligation is to
be accounted up.

... Motion for a new trial because Jury found
... } contrary to evidence & the charge of
... the Court —
Crab [illegible] for dft.

October Term (1830)

Thomas T Gamage use of
Nabby Gilmore } For want of goods & chattels of th[e]
vs } the following track of Land Lev[ied]
Thomas T Bullard } ~~On~~ an execution ~~from~~ by Thom[as]
justice peace to wit the Nor.th W½ of S E quarter of Se[ction]
16 in Township 21 Range 17th west. levied on by Da[vid]
Shelton Con. on the 4 day august 1830
Motion for order to sell the above described La[nd]
October 4 1830. Shortridge & Irvin
for Pltff
11. Order [illegible]

Isaac Rawls }
Saml. vs B. Ewing } appearance docketted

Motion by the defendant, to dismiss the ca[se]
on the ground that no security has been give[n]
for costs, the plaintiff being a nonresident, [and]
his attorney having received notice from the 19th [of]
July last, requiring security for costs to be
given. —
Van de Graaff
Dismissed pursuant to defts. atty. [notice]
notice

Platt Bull }
vs
Edwd. P. Brown } ~~The Defendant moves to quash~~
A motion to quash the writ in this ca[se]
will be made for defects apparent on the
writ
Motion to quash overruled Wilson

[illegible]ly use of S. M. Clark
vs } Motion for new Trial [by]
Eldridge Duke } deft. upon special affid[avit]
filed October 11 1830

11. New trial granted Shortridge & Irvin
on the payment of all costs. defts. Atto[rneys]
within 60 days.

Oct. 11th 1830

[...] Strang }
vs }
[...]o Hoy }

Motion for a new trial, upon the ground of Surprise and an improper finding by the Jury in the Amount of Damages. J. J. Aikin [illegible]

N. New trial Refused.

[...]ith Bugg }
vs }
[...]en Berry }

Motion for a new trial upon cause shewn on a special affidavit of defendant filed in office. October 11th 1830 and [...]hu Damage — and also [...] Shortridge & Lewis
[...] law and [illegible] —

Defts Attys

H. Sopman
vs
James M. Davenport }

a new trial is moved for on the grounds
First the Verdict is contrary to evidence
Second, it is against law,
Thirdly, a set-off of the accou. t of Griffin & Davenport ~~was~~ improperly allowed.

New trial refused Shortridge & Lewis

Hamilton
vs
Donaldson

the Defendant moves for a new trial, on the grounds set forth in affidavits to be filed

N. new trial granted on [...] of all [...] Shortridge & Lewis —
costs up to the time

James M. [...]spoon claimant
vs
Town & Gazzam } pltffs in Execution
& Saml Witherspoon }

The claimant moves for a new trial, on the ground of surprize — evinced by the attitude of claimant as [...] que trust & the action of the court in relation thereto, & upon affidavits if necessary — Shortridge & Lewis

N. New trial is refused

Petcher & co
vs
Jones et al. } Motion for new trial on
ground that the dep of Leav
was improperly permitted to go in ev
to the Jury and on the ground of the
that the jury might find against
number than all the defendants
contractors or [illegible] Gayle for defts

11. Motion for new trial overruled

Andrew Dunn
vs
Zachariah Mangum } Motion for a new trial
the grounds stated in Defts affid
on file. J. G. Aikin. p.

Jamison's admr
vs
Eli, Eelles } Motion for non suit
upon the finding of
the Jury - under the statute

11 Let nonsuit be entered
Eelles for Defts

Beverly Daniel
vs
Wm Nichols } The pltff moves to set aside
the nonsuit in this cause
reinstate the case.
G. N. Stewart
atty

11 Nonsuit set aside on
the payment of all costs

~~Thurmond~~

(W) Wade } Motion for a new trial on the ground that the Court erroneously permitted the deed of Welbourn to Wade to be read to the jury – The court erred in the instructions given to the jury –

Lloyd

\- 11 – motion for new trial overruled.

Motion Docket April Term 1831 –

John Troy Exr. &c.
v
\+ Edwin Sharpe } Motion to Sell real estate upon an exon. from a justice of the peace –
Motion granted. Ellis Atto

Tuesday 2nd day of the Term –

Same
v
\+ Same } Same motion –

Tuesday 2nd day of the Term – Ellis Atto
Motion granted –

William L. Powers assee &c
Elijah Chambers } Motion to Sell real estate upon an Execution from a Justice of the peace

Tuesday 2 day of the Term Wilson
Motion Granted

~~Same~~
vs
\+ ~~Same~~ } ~~Same motion~~

~~Tuesday 2 day of the term~~ Wilson

Motion Granted

Nathan W. Hughes } Motion will be made on
\+ vs } an order for Execution to issue
William H. Geck } in this cause founded upon a
judgement on attachment against deft at the
October Term of this court for 1830.

Shortridge [illegible] for Pltff.

Motion Granted March 5 1831.

Same }
\+ vs } Same Motion.
Same }

Shortridge & Lewis for Pltff an[d]

Motion Granted

John J. Webster }
\+ vs } Same motion
Same }

Shortridge & Lewis for Pltff

Motion granted

Same }
\+ vs } Same Motion
Same }

~~[illegible]~~ Shortridge & Lewis for Pltff in E[x]

Motion Granted March 5 1831.

James I. Foster &c. }
vs } upon Attacht -
Edward B. Elliott } A motion will be made in
this cause for a judgt. agt.
John H. Lee a garnishee summonsed to court -
at this Term upon his answer filed -
7th April 1831

Ellis Atto
for Pltff -

Motion contd.

~~Christopher Vanner Admr } Covenant.~~
~~vs } In this case a motion~~
~~John D. Richards } will be made for a new~~
~~Trial, upon the ground that the finding~~
~~of the Jury was not according to evidence~~
~~and is inces gross mis calculation.~~
~~April 7th 1831.~~

~~D. H. Atkin p.q.~~

Chas Hodges use &c vs Baird & Watkins — Motion will be made to set aside the non suit in this case for cause shewn by affidavits filed in office April 11th 1831

Shattuck & Sims.

Granted on payment of all costs by pltff for which Exn is awarded — Deffs Attys

Monday 11th April 1831.

Ben. Williams & H. Perkins vs Case in Chancery — Middleton Berry & J. P. Knight — This case was submitted to the Court at the [illegible] Term 1829 upon a motion by defts. counsel to dissolve the injunction & perhaps also to dismiss the bill for the want of equity; the court did desolve the injunction and dismiss the Bill — Under these facts a writ of error was sued out to carry the case to the Supreme Court, & it was not until examining the transcript in the Sup. Court that the Pltffs Sol. observed that the decree was written out as if the case had been submitted in this court for final decree upon the Bill & answer; the Pltffs therefore now move the court to correct said decree nunc pro tunc, & rely upon the entries by the Chancellor made on the papers in the cause at the time of the motions aforesaid, upon a statement by Judge Taylor in relation to this matter shewing his recollection, he being the Chancellor who presided, & upon affidavits. Which statement & affidavits will be filed with the clerk.

Crabb for Pltffs

Order made, nunc pro tunc, amending the decree from the Judges note on the papers

Isaac Rawls vs Saml B Ewing — Appearance Docket Covenant — A motion will be made in this case for a Rule on the Plaintiff to give Security for Costs within the legal time —

Gayle & Van Dyke atty for Deft

E. Jenkins, adm vs Thos. Cumming et al. — 13th Apl 1831 — The Deft moves for nonsuit on the ground that Pltff recovered less than this court has jurisdiction of

Crabb for motion —

Denied

12th Apl. 1831 –

Thos. Cummings
ats. } Detinue of Charter } Deft. moves in this case to arrest judgment for reasons appearing [in] the record –
John L. Tindall, &c.

Overruled pro forma Crabb for deft.

James Hunt & wife
vs } Slander } Deft moves in this case to set aside the judgment by default – and to have a new hearing upon the ground fact that he had been informed by his attorney that a [plea] had been filed – but there being [none] he was consequently taken advantage ...

Overruled

Frierson Atto for ...

McFarland } Certiorari
vs.
Newman. } The Defts moves for a new trial upon the ground that the finding of the Jury was against Law and evidence –

New Trial granted ... Elliot for Defts
& Deft to pay all the costs heretofore accrued for which judg't is ordered vs. Deft & his security for the appeal

Geo. W. Williams
vs
Joseph Cleveland } The pltff will move to set aside the nonsuit, for reasons set forth in an affidavit which will be filed.

Withdrawn

Crabb & Moody for pltff

Allen Wolly overseer &c } Appeal. April Term 1831

Dennis Childress

Same
vs
Same. } In these cases the deft moves to quash the proceedings of the [Justice]
1st Because no party appears as pltff in the warrant. 2nd Because judgt is rendered in favour of Woolly as overseer &c when it should not be in his name. 3rd Because there is no certificate such as the Law requires upon which the [Justice] was authorised to render judgt – and for other defects ...

appearing upon the face of the paper –
Cont'd ~~dismissed~~ Ellis Atty for deft

C. G. Pitcher & Co. } Motion for exon for costs ~~in the~~ ~~increased~~ upon continuance –
vs } of the cause as appears from the
Wm Jones Jr et al } Record –
Execution granted Ellis for Pltff –

James Dunlap } Motion for a new trial in
vs } between } this cause for cause shewn
Edw Farrish } in affidavit filed in the
clerks office 13th April 1826

Denied
Shatridge }
Sims } for Defts

Vanmer }
vs }
Richards } the ~~pltff~~ defendant will move that a
nonsuit be entered because the amt. due was
less than fifty dollars
G. H. Stewart
Overruled for deft.

Allen Wooley }
vs } appeal
Geo Kitchens }
Motion to quash the pro=
ceedings of the Justice by the defendant –
for same reasons as in case G. H. Stewart
vs Childress. – for deft

Motions for Octr Term 1831.

Jacob Snider by his next friend
vs } Motion for a new Trial
Humphrey Chappell

The Defendant moves the Court for a new trial on the following grounds

1st The Defendant was taken by surprise in the Testi[mony] of Samuel Snider & can disprove a material part of his Testimony — Newly discovered testimony

2d Because he was deprived of the benefit of E. [illegible] Callegans Testimony &c his affidavit filed.

3d The jury found contrary to Law & evidence

Oct. 8th 1831.

Ellis & Martin attys for [illegible]

Anthony B Shelby
Hy. W. Cullen } The Defendants counsel in this case move for a new trial on the ground that the jury found, First against the instructions of the court — Second that the jury found contrary to the Law & Evidence — Oct 11th —

Stewart & Wilson
attys for Deft.

James Frain
John Mutt } The Defendant in this case moves for a new trial on the ground that the jury found contrary to the Law and [illegible] and on the grounds contained in affidavits filed in off[ice]

Oct 12th 1831

Frierson & Wilson
attys for Deft

Edman Ranny
vs
Joshua Holbert } The defendant in this case moves the Court for a motion on the ground that the Court has no jurisdiction of the case

Ellis & Glover
Attys for Deft

E Ranny
vs
Joshua Holbert } Motion withdrawn

The Defendant in this case moves the Court for a new trial on the ground that the jury found contrary to Law and evidence

Ellis & Glover attys for Def

John B Hogan
vs
Christian Bergly

The defendant by her counsel moves for a continuance in this cause on the grounds that the finding of the jury brings the case below the Jurisdiction of this court, and within that of a Magistrate.

Motion granted

Thistle [illegible] p.d.

James Lynch
vs
Campbell & Elliott

The pltff by his counsel will move to set aside the nonsuit taken in this cause on the grounds stated in the affidavit filed.

Motion granted to be argued [illegible] term

Crabb & Moody, for pltff

Tyndal & or. [illegible]
vs
Thos Cunningham

Motion to correct & amend the [illegible] of the last term as shewn by the Record —

Motion [illegible] for [illegible]

Ellis Atto for pltff

Isaac [illegible]
vs
Barringer & White

Motion to set aside Non-suit [illegible] upon affidavit & authorities

Motion granted on [illegible]

Ellis Atto for pltff

James B. Wallace
vs
James McMillian

assumpsit.

Motion discharged

The plaintiff will move the court for a new trial in this cause on the grounds following

1st The verdict contrary to the law on the facts in proof.

2. The evidence of payment was insufficient to sustain the plea and the weight of evidence was with the plaintiff.

3. The plaintiffs were surprised on the trial by the rejection of testimony.

4. That further testimony exists which can be procured, and which will shew that the debt has not been paid, & which from accident and circumstances could not be procured at this term.

G. N. Stewart
plffs. atto.

Bryant Bonner
vs
Alexander Deal } The plaintiff will move to [illegible] the costs claimed [illegible]
defendant [illegible] not to allow costs to be taxed
against [illegible] plaintiff for more than two wit-
nesses [illegible] same fact. — Ellis
Shortridge } p. 2 —

Granted 13 not to allow [illegible] witnesses [illegible] for [illegible] same

Summer
vs
Harrell } Appearance 26 — Rule for security
for costs: pltff non resident
Ellis for defd.
Granted

Nathan Cullins
vs
Abram Harrell } Granted 27
Same same.
Ellis for deft.

Harry
vs
Harrell } Granted
Same same
Ellis

~~Meek [illegible]
vs
Black et al } Injunction
motion to dissolve [illegible]
upon Answer [illegible]
Ellis for
Deft. Black~~

April Term 1832

Edward Sims
vs
Amos Warner admr
of John H Baroughs decd } In this
cause the
plaintiff
by his atty.
moves the Court to appropriate
the sum of one hundred dollars
money now in the hands of the
Sheriff of Tuscaloosa County (Collected
upon a judgment in favour of
the said Warner as admr &c
against Edward S. Furnish) to the
payment of the judgment of the

said Edward Sims vs Amos Warner Adm
of John F. Boroughs dec^d
Ready atty for pltff

Amos Warner adm^r &c
vs
Richard Lawrence

Same
vs
John Baker

Same
vs
Jeptha Isbell
Same
vs
James R Hill
Same
vs
Joel White
Same
vs
James R. Hill
Same
vs
Jonathan Bird
Same
vs
Jonathan Bird
& George Reid
Same
vs
James Black

17.
After paying the costs in these cases let the residue or a sufficient sum be appropriated to the payment of the foregoing case of Edw Sims vs A W admr &c.

In the above named cases the Court is moved to appropriate so much money as now in the hands of the Sheriff of Tuskaloosa County, collected upon an execution in favor of the sd Warner adm

against Edward S. Harrish as ~~[illegible]~~ will pay the costs in the S^d cases, all of the said defendants being insolvent.

Ready atty

X

Whitney & McFarlan

vs — App^ce Docket No 59.

X + Pierce & Baldwin.

Motion to quash the writ because the names of the parties, plffs are not identified nor set forth.

Motion overruled. J. N. Stewart

Shortridge & Hunt

vs — In Assumpsit

+ Jas McMillan

The plaintiffs move for a new trial on the following grounds

X 1st The Verdict is contrary to Law and Evidence.

2nd It is contrary to the charge of the Court. Shortridge p.q.

Motion refused

Walls use of McMillian

vs

+ Geo. St[illegible]t. — The deft. moves for judgment against the pltff. McMillian for whose use suit was brought, a verdict having gone for deft.

Crabb for deft.

Motion granted.

X John McKinnie

vs

+ Peter Donaldson

Motion for new trial on grounds of surprise and, that the evidence of John Donaldson [illegible] was improperly rejected, and because verdict contrary to law & evidence.

J. N. Stewart

Pltffs atty

Motion refused

John P. King admr &c. vs. Tardy Exor. — The Deft Alexis Tardy for a motion for a new trial in this case because the [illegible] Jury found contrary to law and evidence and agt. the instruction of the court.

10th April 1832.

New-trial refused [illegible]

John S. Tyndal exors &c. vs. Thos. Cummings. — Detinue

The Plff by his Atto. moves to correct the entry of Judgt. made in this cause at the [illegible] April Term 1831 by inserting the words "if they can be had and" after the words mentioned in the third line from the bottom of said Judgt. and also by inserting the words "Then the sum of Seventy five Dollars the value of the same" after the words "patents" in the second line of said Judgt. from the bottom — which correction appears necessary & proper from the Judges' docket

Ely Atto.
for Plff

10th April 1832

Amended [illegible]

11th April 1832

The State vs. Elijah Smith & other — Motion by atto. Genl. for judgt. vs. Hudson as a defaulter for debt to the State

Judgment [illegible] Crabb,
Comptr. Pub. accts.

The State vs.

Patrick's Admr vs. Pitcher & Rimsen — Motion to set off the Judgt. against one rendered in this Court between the same parties in favor of the Plff. [illegible]

13. Let the Judgment be Set off, the Defts Pitcher & Rimsen objecting to the Set off —

~~October Term 1832~~
4th Oct 1832

1796 ~~The President and Directors of the Bank of the State of Alabama~~

~~vs~~

~~John Ratcliff Snr David McMillan and Henry Taylor securities of D R [illegible] Sheriff of Wilcox County~~

Motions October Term 1832

Joseph Eddins vs Turner Hannah } 11. Motion granted

The plaintiff in this case will move to substitute a transcript of the record in this remaining for this & the Supreme court in this cause in lieu of the original papers which are lost, — Oct 6th 1832
R M Wilson atty

James Fears vs John Meeks } The defendant in this cause moves for a new trial on the grounds that the finding of the Jury was contrary to the Law & Evidence, and contrary to the charge of the court and the affidavits filed — Oct 6th 1832 — R M Wilson for Deft

Ezekiel Young ads Mary Ann Hill et al } In this cause which is pending said Young moves to withdraw the original deed of gift by him filed at the request of the opposite, he will leave a copy if necessary — Motion granted & copy filed. A Shortridge for Young.
Oct. 6th 1832

C Norris use of for the use &c vs W W Drinkwater } Motion to have the Judgment rendered at the October Term 1827
Davis & Cooper
Attos for Deft

John Hudson ~ The ... aside the
John Hudson & al. ~ ... entered in this
case ... and upon
other grounds — Motion granted ... as a ... other ...
Ellis Atty for Deft

Sarah A. Barringer & al ~ ...
Samuel B. Ewing ~ ...
upon affts filed — Motion granted ...
Ellis for Deft

John W. Lemmon ~ ... Appearance
Abraham Harrell ~ ... motion to stay proceedings
Moses R. ~ until cost of former suit is paid between same parties — Motion granted
Ellis for Deft

Nathan Collins ~
Abraham Harrell ~ Same motion

Elizabeth Harrell ~
Abraham Harrell ~ Same motion — Motion granted
Ellis for Deft

John Venable ~ Motion to stay proceedings in this
vs ~ case until the cost of a former
Wm J Glover ~ suit is paid between the same
parties and dismissed at the
Term — Motion granted
Glover & May
for Deft

William H. Bliss ~ The Defendant prays for a new
vs ~ trial — Because
Benjamin F. Randolph ~ 1. The damages assessed are excessive — 2d The Verdict is contrary to the evidence — Motion granted on ... cost within three days ... as a condition precedent
Th Minor for Deft
10th Octr 1837

... vs ~ The Defendant moves the Court for a new
Wm Bryant ~ Trial in this case on the ground that the Jury found a verdict against the Evidence and
the Charge of the Court and for reason in affidavit filed — Motion ... surprise on the trial
Crabb & Wilson &
Glover & May for
Deft

The State
v.
Wilson Whatley } Gaming

The Defendant moves in arrest of Judgt. on the fo[llowing]
grounds. 1st The term in the Indictment is not set [illegible]
sufficiently ... certainty 2nd The Indictment does not
shew that the gaming was unlawful 3rd That there is no [illegible]
shewing that the [illegible] is predicated upon a presentment by the gr[and]
Jury

Motion discharged

Ellis Stewart
for Deft

Same
v.
John Stinson } Gaming

Motion in arrest of Judgt. on the same
grounds as above —

Motion discharged

Ellis & Stewart
for Deft

State Bank
v.
John Johnston et al

Move for leave to withdraw the original bill of exchange leaving a copy — The declaration of John Johnst[on] [illegible]

Motion discharged

G. N. Stewart
for applicants

Bank of the State of Ala.
vs.
Jas. Davis & C. Hooks

The plaintiffs move for a new trial of the issue of payment in this Cause.

1st because they were surprised at the trial

2. because the verdict is not according to the justice of the Case.

Motion overruled on payment of the costs

G. N. Stewart
atts for Pltff

Nathan Hughes
ads
Saml McElroy adm. } The Deft in this case moves for a new trial on the ground of surprise on the trial of the cause & on an affidavit filed.

Motion discharged

Octr Term 1832

A. P. Baldwin
vs
Maxfield Kennedy } Motion for an order of sale of real estate on a levy by a Constable on an execution from Justice

Motion granted

G N Stewart
for Pltff

Same
vs
Same } Same motion.

Motion granted

G. N. Stewart
for Pltff

Rawls
vs
Ewing } Motion to substitute papers for papers lost.

Motion by consent granted provided the papers are not found on or before the first day of next term.

G. N. Stewart
for Pltff.

Hickenburg
vs
Jno Pierce } In Attachment

Motion discharged

George N. Stewart appears and saith that the property levied on under the plaintiffs attachment was not subject thereto but that said property belonged to George N. Stewart as assignee for the benefit of the Creditors of Peirce & Baldwin. Wherefore he moves the court to make an order that he have leave to make claim to said property so that the right may be tried &c

G. N. Stewart

Keenan
vs
Baird } The said Keenan by his atty moves the Court on the affidavit of the justice

Motion withdrawn

of the peace to correct the judgm[ent]
of the court in ~~[illegible]~~ dismissing the
appeal at his the s^d Keenan costs —
Baylor atty

March Term 1833.

Wm [illegible]
ats } Trespass to try titled } In this case the defendant
John Moore } moved the court for a new trial
on the grounds, that the jury found their verdict contrary
to the evidence, and in disregard of the law of the c[ase]
as pronounced from the bench — 22^d March 1833
Crabb, deft^s. Atty.
Service of notice of the above motion acknowledged
March 1833 —

Motion Granted

Anthony B. Shelby } In this cause the
Henry W. Collier } Defendant Collier by
his attorney, comes & moves the court for a Judgment against
Thomas Fearn for the costs which was awarded
to the defendant, as well as the fees due the
the officers of court in the above ~~[illegible]~~
~~[illegible]~~ — March 22nd 1833 — P. W. Wilson &
G. W. Stewart attys

Motion Granted

James Hearn } The said Hearn by ~~[illegible]~~ his
John Moore } attorney moves the court for
the affirmance of Judgment of
the county court of Tuscaloosa County predic-
ated on the certificate of the said county against
John Moore & John ~~B Cumming~~ his security as
well as the damages thereon — P. Wilson
March 22nd 1833.

Bryant Bonner }
vs }
Lewis Stovall }

A motion will be made to have an execution from this court to subject the dfts lands to sale under the judgt of a Magistrate & return upon an execution by Wm Jennings a constable
G. Herndon attory
for B Bonner.

(Motion granted)

Saml G. Frierson }
use &c }
vs } No. 77
A.P. Baldwin et al }

(Motion to arrest the Judgment
Judgt arrested) J.H. Stewart

Same }
vs } No. 78
Same }
Motion to arrest the Judgment
Judgt arrested) J.H. Stewart

Mayor & Aldermen of }
Tuscaloosa }
vs } No. 82
Starr & Colgin }
Motion to arrest the Judgment
J.H. Stewart
Motion refused)

James A Beall vs James G Lyon. Sci: fa
motion to set aside the Judgment
Nisi ——— Owen

Motion Continued)

March Term 1833.

Jesse Beene }
vs } Appearance docket.
John A Jones } The plaintiff moves, that the Sheri[ff]
stand as special bail in this Cause on account
having failed to take a bail bond in this Cause

Motion refused } George N. Stewart
plffs atto.

Motion denied

Boardman use of Ely } Five cases on the appearance docket
vs. } from No to No . In these cases
H. Perkins } deft. moves to consolidate these cases on
grounds appearing on the papers —

Crabb for deft.

Motion granted

September Term 1833

The State
vs
David Robertson

Rule to shew cause why an attacht. ought not issue for a contempt committed by Deft. in not appearing as a Juror at March term 1833

10 Rule discharged X

The State
vs
Joseph Stinson

Rule to shew cause why an attacht. ought not to issue for a Contempt committed by Deft. in not attending as a Juror at March term 1833

10 dismissed by Atty. Genl. with assent of the Court X

The State
vs
Radford Gunn

Rule for the Deft. to shew cause why he ought not to be attached for a Contempt by him committed in not attending as a Juror at March term 1833

10 Rule discharged on pay ment of costs X

The State
vs
John Mann

Rule for the Deft. to shew cause why he ought not to be attached for a Contempt in not attending as a Juror at March term 1833

10 Rule discharged X

James A. Beal
vs
James G. Lyon

Rule requiring Deft. to shew cause why he ought not to be attached for a Contempt in not appearing as a Witness at March term 1833

as a Witness for Samuel A. Beal against Samuel H. Hearing
10. Let an attachment issue

Samuel A. Beal
vs
Benjamin S. Smoot

Rule requiring the Deft to shew cause why he ought not to be attached for a contempt by him committed in not appearing as a Witness at March term 1832 for Samuel A. Beal against Samuel H. Hearing
10. Let an attachment issue

John Moore
vs
Alexis Sandy Jr

Rule to Shew cause why the Deft. ought not to be attached for a Contempt by him committed in not appearing as a Witness for the Pltff (John Moore) against William Bryant at September term 1832
10. Let an attachment issue

Motion Docket for
September Term 1833

Durrell Pike
vs
William Bryant } Motion to tax the plaintiff with the cost of his witnesses that were subpoened and not examined, and further, that costs shall only be allowed against the Defendant for two Witnesses to the same fact. Glover & May for Defendant

10 – Cordy Weaver & Jas Dodds witnesses summoned by Pltff & not examined taxed to Pltff; further the [illegible] not granted +

Winston & Winston
by their next Friend Thomas Emmons
vs
Harrell & Harrell } Detinue.

The Defendants in the above cause by their Attorneys moves for a new Trial in the above cause on the grounds. First. That the Jury erred in assessing damages against the Defendants for One Hundred Dollars for the detention of the negroes, there being no evidence said Negroes for which the Verdict was found were in possession of the Defendants after the service of the Writ – the negroes in fact having been in possession of the Sheriff at the suit of the Plaintiffs, as appears by the Writ.

Secondly. Because there was no legal evidence, that the Plaintiffs were entitled to said negroes.

Third – Because the Verdict is contrary to Law and Evidence.

Glover & May.
Defents Attys

10 – New-trial refused if Deft remits $95 – part of the damages for detention within 30 days, otherwise it is granted — +

10. Let Saml B Wright be [illegible] of next security for costs being given in 60 days

September Term 1833.

Thos. R. Bolling
vs
R. Dennis Jr
Garnishee

The Garnishee moves for a new trial on the ground
1st That the parol evidence was insufficient to defeat the Bond introduced by the defendant.
2.d That the evidence of the plaintiff was improperly admitted
3.d Surprize on the part of the defendant.

10 – New trial refused. G. N. Stewart
atty. for deft.

X

N. Ginnd
vs.
Saml. B. Ewing
J. Goodwin

The defendants move for a new trial, because the verdict was not warranted by the evidence.

10. New trial refused G. N. Stewart
atto for deft.

Sims Scott
vs
Allen J. Whatley

The defendant moves for a new trial, because the verdict should have been for nominal damages only – there being no proof to warrant a recovery for more.

10 – By remitting all but $100 $\frac{38}{100}$ new trial refused. G. N. Stewart
atto for deft.

William Ellison use &c
vs.
John Beard et al.

The Defts in this case move the court to stay proceedings until cost of former suit between same parties for same cause of action be paid – Ellis Attc
for Deft

10 – Motion granted to stay proceedings till costs are paid.

W. Wadsworthy
vs
John M. Davis } Motion for an order to sell real Estate levied on by a constable under an Execution from a Justice of the peace

Glover & Mo[...]

10. Motion granted — for Plff

+

The Prest &c of Bank of Ala
vs
Jacob W. Shelley et al } Motion for judg[ment] for failing to return ex[ecution]

The Prest &c of Bank of Ala
vs
Saml B. Whitten } Motion for judgment agt Deft —

The Prest &c of the Bank of Ala
vs
~~John McLorman~~ } Motion for judgment agt Deft —

The Prest &c of the Bank of Ala
vs
Thos. C. Morrman } Motion for judgment agst Deft — & continued by Plff atty

11. Motion granted as to Shelby & refused as to his surety —

11. ~~Motion offered~~ Jury & Demr to evidence which is sustained

11. Jury & Demr to evidence which is ~~dis~~ [illegible]

11. Jury & Demr to evidence which is sustained

[illegible] cont[illegible]

Motion Docket for Spring Term 1834

Peter Donaldson vs. George V. Stewart } Motion for Leave upon notice to Deft. as security for costs in the case — Spencer Price is

Motion Leave granted — Ellis for Donaldson

The State vs. David Campbell } Rule requiring the Defendant to show cause why he ought not to be attached for a contempt by him committed, in not appearing as a Witness at September term 1833 for the State against William Bryant — Retd by the Sheff not found

John Annable vs. Wm. G. Glover } The plff moves for a new trial because the Jury found contrary to Law and evidence

25th March 1834 } Motion overruled — Ellis for plff

Tuesday Evening March 25th 1834

Cook & Ellis vs. William Bryant } Assumpsit In this cause a new trial, or rather a Motion to set aside the verdict, will be made, upon affidavits filed &c. Shortridge for Deft.

Richard Jones vs. Milly Walker } In Chancery The defendant by his counsel, will move to dissolve the injunction & dismiss the Bill upon the face of it and answer. Shortridge for [illegible]

John Reynolds — Governor for the use of
Milly Walker as next friend to Eliza her infant daughter
vs
Francis R. Baker &
Richard Jones

The Same
vs
Richard Jones &
Felix Hoiph — } In the above causes a motion will be made to set aside the writs for informality —
March 25th 1834 —
Glover & May
Defts Attys

B Pope
vs
Morris Roberts } A motion will be made for a new trial on the ground that the jury found contrary to law & evidence —
March 26th 1834
S Martin atty for
Defts

Let a new trial be granted — on security to be given for costs within twenty days or cause to stand dismissed —

James Paul
vs. } attachment
James Dunlap } The defendant moves to arrest the Judgment, for the following reasons
1st. The attachment was not levied and no return is made on the writ of attachment.
2d. The cause of action is not indorsed on the writ as required by statute.
3d. An attachment for a debt not due, cannot be sustained on a mere garnishment of a debt. the statute authorizes it only on a levy on property.
4th. The Special Count in the declaration is —

contradictory and inconsistent, so that no
judgment can be lawfully rendered thereon.

5th The Common Counts are improper, and insufficient to sustain the Judgment, the indebtedness therein being paid after suit brought.

For all which and other reasons the defendant prays the Judgment may be arrested.

G. N. Stewart
atty for deft.

Cummings & Mason
vs
Wilson Whatley

The plaintiffs move that the Sheriff stand as special bail in this case the Bail taken by him being insufficient

Thus granted &c —— G. N. Stewart
atty. for Plffs

September Term, Friday 19 Sept 1834.

State
vs
Robert Bridges } The Defendant moves for a new trial, on the following grounds towit.

That the verdict is contrary to Law and Evidence.

2nd The Judge mis instructed the Jury as to the means of

Judging of the credibility of testimony.

Shortridge } atto
Glover & May } Deft

New trial granted on the payment of costs.—

Circuit Court Fall Term 1834

Charles Moorman
vs
Wm. J. Glover } The Deft moves the Court for an order requiring the Plaintiff to give security for cost within 60 days he being a non resident.

John B Wortham
vs
Amos McGuire } The plaintiff being a non resident the same motion is made in this case —

Joseph Eddins
vs
Turner Hannum } In this case the Plaintiffs moves for a new trial on the ground that the finding of the Jury is contrary to Law & Evidence —
Wilson attorney
overruled

John Cockraham
vs
Richard Dennis jr & George Brooks } Security for cost is moved for as the plff is a non resident
Shortridge P. D.

September Term 1834

John Logan
vs
Thomas Goodman

The plaintiff moves to set aside the Judgment in this case and to reinstate the Cause on the docket

G. N. Stewart
Atto for Pltff

Discharged

Copeland
vs
Olive. The plaintiff in this Cause moves that the Sheriff (late Sheriff Glover) be required to pay over to the plaintiff the amount of the Judgment out of the proceeds Collected by him from sale of defendants property.

G. N. Stewart
Continued. atto for Pltff

H. Continued

Nicholson
vs
Olive. The plaintiff in this Cause moves that the late Sheriff Wm. G. Glover be required to pay over to the plaintiff the amount of the Judgment out of the proceeds Collected by him from sale of defendants property.

G. N. Stewart
Continued. atto for Pltff

H. Continued

The State
v
Jno. C. Ellis
et al. } The defendants Ellis and Walker Move for a new trial on the ground that the verdict was not warranted by the evidence.

G. N. Stewart
~~Discharged~~ atto. for defts.

C. B. Beverly
v
Collin Bland }
Thomas R. Bolling the bail moves to be discharged from any obligation as Bail in this Cause for reasons appearing on the record.

B. C. Appelt
G. N. Stewart
~~Affidavit continued~~ attos for Bolling
~~Affidavit~~ Discontinued

The State
v
— Nemo }
The court will be moved for a new trial because the jury found against law & evidence

Ellis & Pike
P. Monta..

Discharged.

Motion docket March Term 1835

Robert Marsh
vs
James Latham } The plff Robert Marsh moves for an order of sale for ~~the~~ ~~sale~~ for ~~of~~ the N E 1/4 of the S W 1/4 of Sect & Township 20 Range 2 East the freehold of Deft Latham, levied on to satisfy Judgt of a Justice of the Peace. March 17th 1835

Motion disposed of heretofore J Morrison march —

C C Hazzard assignee &c
vs
Adam Leonard } On appearance docket

The plaintiff takes exception to the Sheriff failing to take good & sufficient bail on the service of the writ in the above stated case and prays that the Sheriff be taken & held as special bail for the said Defendant — Said motion to be made on monday of the second week of this present term of this court, or so soon thereafter as the motion can be heard March 17th 1835.

Notice of the above motion received the 17th March 1835 // Motion granted   Wm Findley Shff

~~Lewis & Joseph~~
Joseph & Moses Lacy
Merchants & Partners
vs
Joseph Philips } On appearance docket

The plaintiff takes exception to the Sheriff failure to take good & sufficient bail of the Defendant in the above stated case & pray that the Sheriff be taken & held as special Bail for the Defendant — Said motion to be made on monday of the second week of the

present term of this court or so soon there-
-after as the motion can be heard —

March 17th 1835 — J P Morrison atty

Notice of the above motion received 17th March 1835 Wm Findley Shff

11. Motion granted

A D Bateman use of
Henry Burroughs } Motion against the Sheriff
vs
Thomas G Boid } The plaintiff in this case moves the court to make an order that William Findley Sheriff of Tuskaloosa county be held and bound as the special bail of the defendant — Bail having been regularly required by the writ which issued in this case of the said defendant and the said William Findley hath wholly neglected to take

March 19th 1835

G. N. Stewart atty for Pltf

I accept notice of the above motion March 19th 1835

Wm Findley Shff

11. Motion withdrawn

Spring Term 1835

Thursday March 19th 1835.

Suggs
vs
Poole & caseithers } In trust &c

The defendants in this cause move for a new trial on the following grounds to wit.

First. The verdict of the Jury is contrary to Law and evidence.

Secondly: The damages assessed by the Jury are enormous, and at the first blush are from the facts outrageous & excessive.

11- New trial ~~granted~~ refused Chortridge & Peck for Deffts.

Dr Bonner & Rob Bonner adm &c
"
Glover & Glover }

take notice ~~that~~ the Court will be moved to set aside the Verdict & grant a new trial on the ground of mistake in the name of one of the plffs in the declaration being written Joel instead of John or in case the ground of suppressing, to amend the declaration &c

To Glover & May Ellis & Peck

11. Motion granted on the payment of the costs of the term —

George Thyday
vs } Defendant
Edward Sims } In this case the defendant moved the Court to grant a new trial on the ground that the verdict of the jury is contrary to the law & evidence in the case.

11- New trial ~~refused~~ Wilson

Hoff
v } Slander
Dorrow

Take notice that the court will be moved to grant a new trial because the verdict of the jury is excessive, & because the jury found contrary to the evidence

Ellis

11- To May & Martin Esqrs
The Plff remits $3000 of the judgment &
Motion overruled

The State
v } forgery
Geo Chandler

Take notice that the Court will be moved to arrest the Judgt in this case
1 because of the defectiveness of the record
11 because the caption of the indictment charges & states that the said indictment was found at the March term of the Circuit Court in the year of our Lord one thousand eight hundred and thirty [illegible] being three years before the offence in sd indictment is charged to have been committed.

111 Because the caption of the indictment is imperfect & insufficient

IV Because the indictment does not charge that the promissory note charged to have been forged &c was to secure the payment or delivery of of money or other article of value, or in discharge of any debt or demand

V Because the sd indictment is insufficient uncertain, & defective,

11- [illegible] refused Ellis & Peck

March Term 1835.

Joseph L. Hogg vs Mo Dorroh } (Motion to Set off.

The said Hogg moves the court to set off the so much of the amount of the Judgment rendered at this term against h in the suit of Hogg vs Dorroh in Slander as may be necessary to satisfy the Judgment rendered at the present term Dorroh vs Hogg for assault & Battery, & the pltff offers to credit the judgement reco=vered by him accordingly—

11. Motion granted March 25. 1835 as to the Damages but not Costs —

G. N. Stewart, P. Martin, J. H. May } attys for J. L. Hogg

Milly Walker vs Edward S. Farish & Eli Shortridge } In Chy.

The Defendants in this cause move the Court to discharge the decreat, & dismiss the Bill for want of Equity — an answer is filed. Shortridge for defts.

Aaron Boyd vs William Nichols } On an order to sell real Estate.

In this matter, Aaron Boyd will move the court, to instruct & cause the Sheriff to pay over the amount made by the sale of the lands, directed to be sold under the venditio exponas. — Shortridge for Boyd.

To. Messrs Ellis & Peck & the Sheriff of this county

James Childress }
Nathan Hughes } assumpsit

The plaintiff moves for a new trial because the verdict of the Jury is contrary to Law and evidence.

Shortridge & Martin for
11. Motion refused pltff

Borringer
v
Ewing } The court will be moved for a new trial for the following reasons the jury found a verdict against the evidence — affidavit is to be filed

Wilson Ellis

H A Snow
v
James Horbin } Motion for order to sell land levied on by virtue of an execution from justice of the peace as the property of James Horbin.

Swinney, Attorney

Miller & Richardson
vs
Martha Rutherford
James Mars & H J Fears } A Motion is made to sell real estate levied upon by a constable — leave papers on times —

Shortridge for pltff

Jno Richardson & Son
vs
Mars & Fears } A motion is made of the same kind as the last above named — papers on file

Shortridge for pltff

Miller & Richardson
v
Martha Rutherford
James Mars & H J Fears } Motion as above — papers on file.

Shortridge for pltff

Miller & Richardson
vs
Martha Rutherford
James Mays & H J Frans
} a Motion is made to sell real estate } levied upon by a con} stable — see papers filed.

L Hartridge for pltff

Waddy Edmonson admr
vs
Thos. Cummings.

The deft. moves that the pltff be nonsuited because less was due when the suit was brt. if any thing than the sum of fifty dollars — Wherefore the court had no jurisdiction

G N Stewart
atto for deft.

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